

RESOLUTION NO. R-2005- 1630

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REVOKING THE HISTORIC PROPERTY AD VALOREM TAX EXEMPTION FOR THE YEAR BEGINNING JANUARY 1, 2005, FOR THE BRAZILIAN COURT HOTEL AND CONDOMINIUM PROPERTY LOCATED AT 301 AUSTRALIAN AVENUE, PALM BEACH, AND STATING THAT THE SUBJECT PROPERTY NO LONGER MEETS THE CRITERIA SET FORTH IN PALM BEACH COUNTY RESOLUTION R-97-505.

WHEREAS, the Board of County Commissioners has approved an interlocal agreement with the Town of Palm Beach (R 96 213 D) for implementation of tax exemptions on improvements to historic landmark properties; and

WHEREAS, this interlocal agreement delegates review of properties within the Town of Palm Beach to the municipal historic preservation agency; and

WHEREAS, the Board of County Commissioners approved a resolution (R-97-505) providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of the property at 301 Australian Avenue, Palm Beach; and

WHEREAS, pursuant to the provisions of Ordinance 31-93 (Chapter 54, Article V Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and questioned whether Certificates of Appropriateness for renovations and improvements of the certain property described herein met the United States Secretary of Interior's Standards Rehabilitation; and

WHEREAS, pursuant to Section 54-200, those improvements were found NOT consistent with the United States Secretary of Interior's Standards for Rehabilitation and were not made in accordance with the guidelines developed by the Department of State, and thus violate the Covenant signed by the property owner on February 28, 1997; and renovation and restoration of the property located at 301 Australian Avenue, Palm Beach; and

WHEREAS, pursuant to Section 54-200, the current property owner's agent agreed on July 17, 2002, at a meeting of the Landmarks Commission, to withdraw from the agreement with the Town of Palm Beach granting tax exemptions pursuant to Resolution No. 16-97 passed on February 17, 1997; and

WHEREAS, the Town Council of the Town of Palm Beach on May 10, 2005, removed the historic property ad valorem tax exemption to the property located at 301 Australian Avenue, Palm Beach in Resolution No 32-05; and

WHEREAS, the property has now been reclassified from a single legal entity into Hotel and Condominium units as filed with the Clerk of the County Court as a Declaration of Condominium, Record Book 17278, page 1584

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The forgoing recitals are hereby ratified and confirmed.
2. The property located at 301 Australian Avenue, Palm Beach, is hereby removed from the Ad Valorem Tax Exemptions for Historic Properties, for the year beginning January 1, 2005, and Resolution R-97-505 is repealed.
3. The landmark is owned by the Brazilian Court Hotel and Condominium and is located at 301 Australian Avenue. The property is legally described as follows:
 Tax Folio Number: 50-43-43-27-78-000-2010
 Legal Description: Brazilian Court Hotel and Condominium
4. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.
5. The Director of Planning, Zoning and Building, or his designee, is hereby directed to file by September 1, 2005, a copy of this Resolution with the Palm Beach County Property Appraiser's Office.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Aaronson, and upon being put to a vote, the vote was as follows:

TONY MASILOTTI, Chairman	- Aye
ADDIE GREEN, Vice Chair	- Aye
WARREN H. NEWELL	- Absent
MARY McCARTY	- Absent
BURT AARONSON	- Aye
JEFF KOONS	- Aye
KAREN MARCUS	- Aye

The Chairman there upon declared the Resolution duly passed and adopted this 25th Day of August, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY: [Signature]
Asst. County Attorney

BY: [Signature]
Deputy Clerk

