

RESOLUTION NO. 174-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO HIDEAWAY BY THE SEA, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 128 SE 7TH AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Historic Preservation Program of the City of Delray Beach, Florida (the “City”), is designed to preserve, protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City’s historical, cultural, social, economic, political, archaeological, and architectural identity; and/or serve as visible reminders of the City’s culture and heritage; and

WHEREAS, the citizens of Florida amended the Florida Constitution, Article VII, Section 3, to authorize counties and municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties, which are the result of the restoration, renovation, or rehabilitation of the historic properties; and

WHEREAS, the City of Delray Beach City Commission has approved an ordinance providing for an ad valorem tax exemption for the restoration, renovation, and/or improvement of historic properties (Ordinance No. 50-96); and

WHEREAS, the ad valorem tax exemption is one means of offering a financial incentive to increase interest in restoring, renovating, and improving the City’s historic structures; and

WHEREAS, Ordinance No. 50-96 provides that on completion of the review of a Final Application/Request for Review of Completed Work, the Historic Preservation Planner shall present such Final Application in a regularly scheduled meeting of the Historic Preservation Board and shall recommend that the Historic Preservation Board grant or deny the exemption; and

WHEREAS, the property owners filed a Historic Property Ad Valorem Tax Exemption Application for review by the Historic Preservation Board on August 5, 2020, of an ad valorem tax exemption for the historic restoration, renovation, and improvement of the property located at 128 SE 7th Avenue, and the Historic Preservation Board determined that the completed improvements were consistent with LDR Section 4.5.1(J) and recommended approval to grant an ad valorem City tax exemption to Hideaway by the Sea, LLC the restoration, renovation, and improvement to the property located at 128 SE 7th Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The City Commission hereby determines that the completed improvements to the property located at 128 SE 7th Avenue, as described in the application for ad valorem tax exemption filed with the City, were consistent with LDR Section 4.5.1(J).

Section 2. The City Commission hereby approves an ad valorem tax exemption to the property owners, Hideaway by the Sea, LLC for a ten (10) year period, commencing on January 1, 2021, from that portion of ad valorem taxes levied on the increase in assessed value, between January 1, 2021 and December 31, 2030, resulting from the renovation, restoration, and rehabilitation of the property located 128 SE 7th Avenue, which property is legally described as follows and which improvements are described in Historic Preservation Board Certificate of Appropriateness No. 2017-274:

PARCEL A: PART OF LOT 7, RESUBDIVISION OF BLOCK 118, DELRAY, FLA., ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 8, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 54.27 FEET TO A POINT; THENCE RUN NORTHERLY MAKING AN ANGLE OF 89 DEGREES 54 MINUTES 50 SECONDS THROUGH THE NORTHWEST FROM THE PREVIOUS COURSE, A DISTANCE OF 39.90 FEET TO A POINT, THENCE RUN EASTERLY ALONG A LINE PARALLEL TO AND 10.10 FEET SOUTH OF THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 53.74 FEET TO A POINT, THENCE RUN SOUTHERLY ALONG A LINE PARALLEL TO AND 20.00 FEET WEST OF THE EAST LINE OF SAID LOT 7, A DISTANCE OF 39.50 FEET TO THE POINT OF THE BEGINNING. AND AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING DESCRIBED, PARCEL C: PART OF LOT 7, RESUBDIVISION OF BLOCK 118, DELRAY, FLA., ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 8, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET TO A POINT, THENCE RUN NORTHERLY, ALONG A LINE PARALLEL TO AND 20.00 FEET WEST OF THE EAST LINE OF SAID LOT 7, A DISTANCE OF 39.90 FEET TO A POINT; THENCE RUN WESTERLY ALONG A LINE PARALLEL TO AND 10.10 FEET SOUTH OF THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 115.00 FEET TO A POINT IN THE WEST LINE OF SAID LOT 7; THENCE RUN NORTHERLY, ALONG THE SAID WEST LINE OF LOT 7, A DISTANCE OF 10.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE RUN SOUTHERLY, ALONG THE SAID EAST LINE OF LOT 7, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 7 AND THE POINT OF BEGINNING.

Section 3. Prior to the ad valorem tax exemption described herein being effective, Hideaway by the Sea, LLC shall execute and record a restrictive covenant in a form established by the State of Florida, Department of State, Division of Historical Resources, requiring the qualifying improvements be maintained during the period that the tax exemption is granted. A copy of the recorded covenant shall be provided to the City's Historic Preservation Planner.

Section 4. This resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of October, 2020.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

Approved as to Form and Legal Sufficiency:

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Lynn Gelin, City Attorney