

RESOLUTION NO. 152-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO KENNETH J. FABEL AND PAOLA FABEL, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 228 NORTH DIXIE BOULEVARD, 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 owner filed a Historic Property Ad Valorem Tax Exemption Application for review by the Historic Preservation Board on September 1, 2021, of an ad valorem tax exemption for the historic restoration, renovation, and improvement of the property located at 228 North Dixie Boulevard, 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 Kenneth J. Fabel & Paola Fabel, the restoration, renovation, and improvement to the property located at 228 North Dixie Boulevard.

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 228 North Dixie Boulevard, 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 owner, Kenneth J. Fabel and Paola Fabel for a ten (10) year period, commencing on January 1, 2022, from that portion of ad valorem taxes levied on the increase in assessed value, between January 1, 2022 and December 31, 2032, resulting from the renovation, restoration, and rehabilitation of the property located 228 North Dixie Boulevard, which property is legally described as follows and which improvements are described in Historic Preservation Board Certificate of Appropriateness No. 2018-031:

LOT 10, BLOCK 10, DEL IDA PARK, DELRAY BEACH, FLORIDA, AND BEGINNING AT A POINT ON THE BOUNDARY BETWEEN LOTS 10 AND 11 OF BLOCK 10, DEL IDA PARK, DELRAY BEACH, FLORIDA, WHERE SAID BOUNDARY LINE INTERSECTS THE DIXIE BOULEVARD, THENCE RUN SOUTHWESTERLY ALONG THE DIXIE BOULEVARD A DISTANCE OF 25 FEET, THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE DIXIE BOULEVARD A DISTANCE OF 140 FEET, THENCE NORTHEASTERLY PARALLEL TO THE DIXIE BOULEVARD A DISTANCE OF 25 FEET, THENCE NORTHWESTERLY TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE NORTHEASTERLY THREE FEET (NE'ly 3') OF LOT TEN (10), IN BLOCK TEN (10), DEL IDA PARK, DELRAY BEACH, FLORIDA, ALL ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 9, AT PAGE 52.

Section 3. Prior to the ad valorem tax exemption described herein being effective, Kenneth J. Fabel and Paola Fabel 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, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney