

Harold Kaplan

877 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480-4808
TELEPHONE (305) 658-4800

PF.

March 1, 1985

Mr Douglas C. Delano, Town Manager
TOWN OF PALM BEACH
Post Office Box 2029
Palm Beach, Florida 33480

Dear Mr. Delano:

In regard to our discussion and conference with Robert Moore,
of the Building and Zoning Department, on February 19, 1985,
I respectfully request a place on the March 12, 1985 agenda of
the Town Council meeting, to formally present to the Council
our plans for a park to be located on the corner of Hammon
Avenue and South Ocean Boulevard.

Very truly yours,

Harold Kaplan

HK:sj

cc. Mr. Robert Moore

TOWN OF PALM BEACH
BUILDING AND
ZONING DEPT.

785 MAR 4 AM 11 05

Council to take action as the City of West Palm Beach has no right to impose their ordinance on the people in Palm Beach and our Agreement with them does not allow that to happen. They are compelled to supply the water and to maintain adequate pressure to the Town and that is ideally 65 lbs and he knows this morning the pressure was only 41 lbs., so it has cost them money for years to get adequate pressure to their upper floors and he urged the Council to protect them and the interests of the people in Palm Beach and compel the Water Co. to do their job in accordance with the Charter and the Franchise adopted twenty years ago. This Franchise does expire ten years from now and the Town of Palm Beach has the right to purchase the system and he urged them to take some action to protect the future of Palm Beach.

Mr. Burn asked Mr. Ruta to state his qualifications. Mr. Ruta responded he has been in the construction business for 60 years and at one time he owned a water system and has been a member of the Board of Health for 30 years in another state.

Mr. Ilyinsky asked why the La Renaissance being singled out? Mr. Ruta stated he does not know but there are other buildings which have received notice also. Mr. Burn noted a letter has been received from Dunster House on the same problem and asked if the Town Attorney has had an opportunity to research this problem? Mr. Randolph explained the Town has, through its Town Manager and Mr. Burn and other staff members, protested to the City of West Palm Beach the means and methods being used by West Palm Beach in effectuating this back-flow prevention effort and he has attended a meeting where the objections were stated. Mr. Randolph stated the Town is under a franchise with the City of West Palm Beach, obligated to adopt any reasonable rules and regulations for the management and control of the City of West Palm Beach's business, as the City of West Palm Beach may impose. The City of West Palm Beach did adopt this back prevention ordinance but the Town of Palm Beach has not adopted that Ordinance and it is within the purview of the Town to do that. They would argue that however, it is the duty of the Town of Palm Beach to adopt any reasonable rules and regulations that need to be adopted for the operation of the City of West Palm Beach's system, but the question is whether or not this is indeed a reasonable rule and regulation.

Mayor Marix asked if this is for multi-family buildings only or does it apply to all buildings in the Town? Mr. Randolph stated there have been discussions with the City of West Palm Beach and he is not sure that has been decided but he believes their immediate concern is with multi-family buildings. Mr. Burn stated they did start with commercial buildings in West Palm Beach and have now gone to multi-family buildings, but it is their intention that these valves be installed in every dwelling unit, or whomever receives water from the City of West Palm Beach.

Erik Gilbertson then addressed the Council congratulating them on their stand in obtaining the property on an even swap at the end of the Flagler Bridge in West Palm Beach. He also informed the Council of his battle with the County on his property taxes and it is now on the State Supreme Court level and he has ninety days to decide whether or not he should file an appeal to the higher level.

Robert Klausner, of Sarasota, on behalf of a relative living at 333 Sunset Avenue addressed the Council asking for help for a number of tired residents who live across the street from Bradley's Saloon which is open til 3 AM and noise emanates from not only the inside but from people who are leaving in their cars at that time. Mr. Ilyinsky wondered if there was somebody who could address this problem who is a resident in the Town. Mr. Klausner presented a petition from the people who live in the building at 333 Sunset Avenue. He asked the Council to have the Saloon close at midnight, eliminate parking on Sunset after 9 PM so that those people who do come out of Bradley's Saloon at a late hour would not disturb the tenants.

Mr. Burn asked if the Council had the right to force the Saloon to close earlier? Mr. Randolph stated the Ordinance would have to be applied equally to each tavern owner in the Town. Mr. Moore explained this is is the Commercial-Town Serving Ordinance. Mr. Klausner informed the Council it is a residential zone at 333 Sunset. Mr. Randolph explained that adjacent to or within fifty feet, the Ordinance does provide it should close at twelve o'clock within 50' of a residential district. Mr. Burn thought it could be required to close at midnight? Mr. Randolph stated if this is in the category of "Dance Halls, Nightclubs, etc.," it could be required to close at 12 Midnight. Mr. Burn then moved that the Council require them to close at midnight. Mr. Randolph stated this would not require a Motion.

Carol McGrath representing Bradley's Saloon addressed the Council indicating they are not in violation and they would like to work out this problem in harmony. They discourage use of their patio and have been open for three months. She knows there have been several complaints but when the Police respond, they found them not to be in violation.

Mrs. Israel of 333 Sunset Avenue addressed the Council stating this is not an eating restaurant as they all go there to drink. The noise is horrendous and she didn't think it was fair.

Mr. Ilyinsky asked Mr. Delano to look into this matter. Mr. Ilyinsky asked Mrs. Douthit to look into this on behalf of the Ordinance, Rules & Standards Committee.

(b) Harold Kaplan. Mr. Kaplan addressed the Council offering the Town a piece of property on the oceanfront at Hammond Avenue to be used as a park for the Town. He wishes to install landscaping and will still have it on the tax rolls of the Town and he will maintain it.

Mrs. Earl E. T. Smith of the Garden Club stated they would be happy to help in the planning. Mr. Burn moved that the Town Council accept Mr. Kaplan's generous offer. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Adrian Winterfield asked for Council's permission to address them before the bond issue. Mr. Ilyinsky agreed.

VIII. Request of Michael Burrows relative to Blossom Estate.

Mr. Vegosen, attorney for Mr. Burrows, addressed the Council indicating that at the time the Blossom Estate Plat was approved, there were many conditions imposed on the developer by Agreements executed between the developer and the Town. He wishes to ask for relief from just one of those conditions, the one with regards to Lot 7 on the Plat not to utilize Lot 7 for any purpose whatsoever. He asked the Council to consider allowing the use of Lot 7, subject to two conditions:

1. The mangrove area remain inviolate at all times. That was a main concern expressed during the course of the Blossom Estate

Harold
Kaplan

Blossom
Estate

ARCOM MINUTES
June 26, 1985
Page 4

ARCOM 74-85 continued - concern as to whether or not there would be enough parking for the project, and again Ms. Hackett stated that the parking matter was for the Town Council to review at their meeting. After much discussion, Mr. Smith moved for conceptual approval of the project as it stands. Mr. Maddock seconded. VOTE 3-1, 3 VOTES in FAVOR, 1 VOTE OPPOSED, with Mr. Caler opposing the parking portion of the project.

ARCOM 75-85, Colony Hotel Conference Room Addition, 155 Hammon Avenue, Philip Steel, Architect. For addition of a conference room at the northeast portion of the existing Colony Hotel. This will not increase the size of the existing structure at all, it will be on the same footing. All material will match the existing materials. Mr. Hoffman asked if any correspondence had been received; Mr. Zimmerman stated that no written response had been received. Mr. Smith moved for approval. Mr. Maddock seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 76-85, Site Landscaping, Sculpture, and Fountain known as Kaplan Park, South Ocean Blvd. and Hammon Avenue. Philip Steel, Architect. For approval of park just north of Charlie's Crab; this park is to be used by all, but will be owned and maintained by Mr. Kaplan. There will be landscaping on the northeast and southwest sides. All plants are to be salt tolerant, and will be tagged and labeled. The material for the walkway will be a bonite pattern. There will also be two to three dolphin sculptures by Mr. Peter Johnson, a foremost dolphin sculptor. The fountain will be under the dolphins. Mr. Caler moved for approval as submitted. Mr. Smith seconded. MOTION CARRIED UNANIMOUSLY.

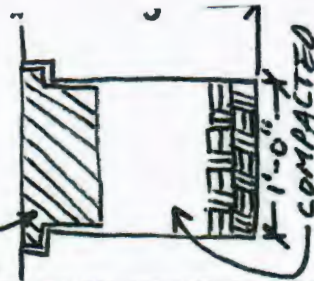
ARCOM 77-85, Additions to the Piesslinger Residence, 1040 North Lake Way. Hoffman, Schofield, Colgan, Architects. For approval of partial second floor and major interior alterations in accordance with plan. Mr. Zimmerman stated, after being questioned regarding the variance concerning this property, that the variance matter is not relative to this Commission. Mr. Smith moved for approval. Mr. Caler seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 78-85, New Store Front for the Cricket Shop, 408 Hibiscus Avenue. Peacock and Lewis, Architects. Mr. Ed Shehan was present. For approval of new front, material used will be white pickled cypress. Mr. Smith moved for approval as is. Mr. Caler seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 79-85, Change of Exterior Building Color - Palm Beach Hilton, 2842 South Ocean Blvd. The Evans Group, Architects. Mr. Dudley Strong was present. For approval of proposed color change of building exterior. Proposed color salmon with darker shade of salmon three foot

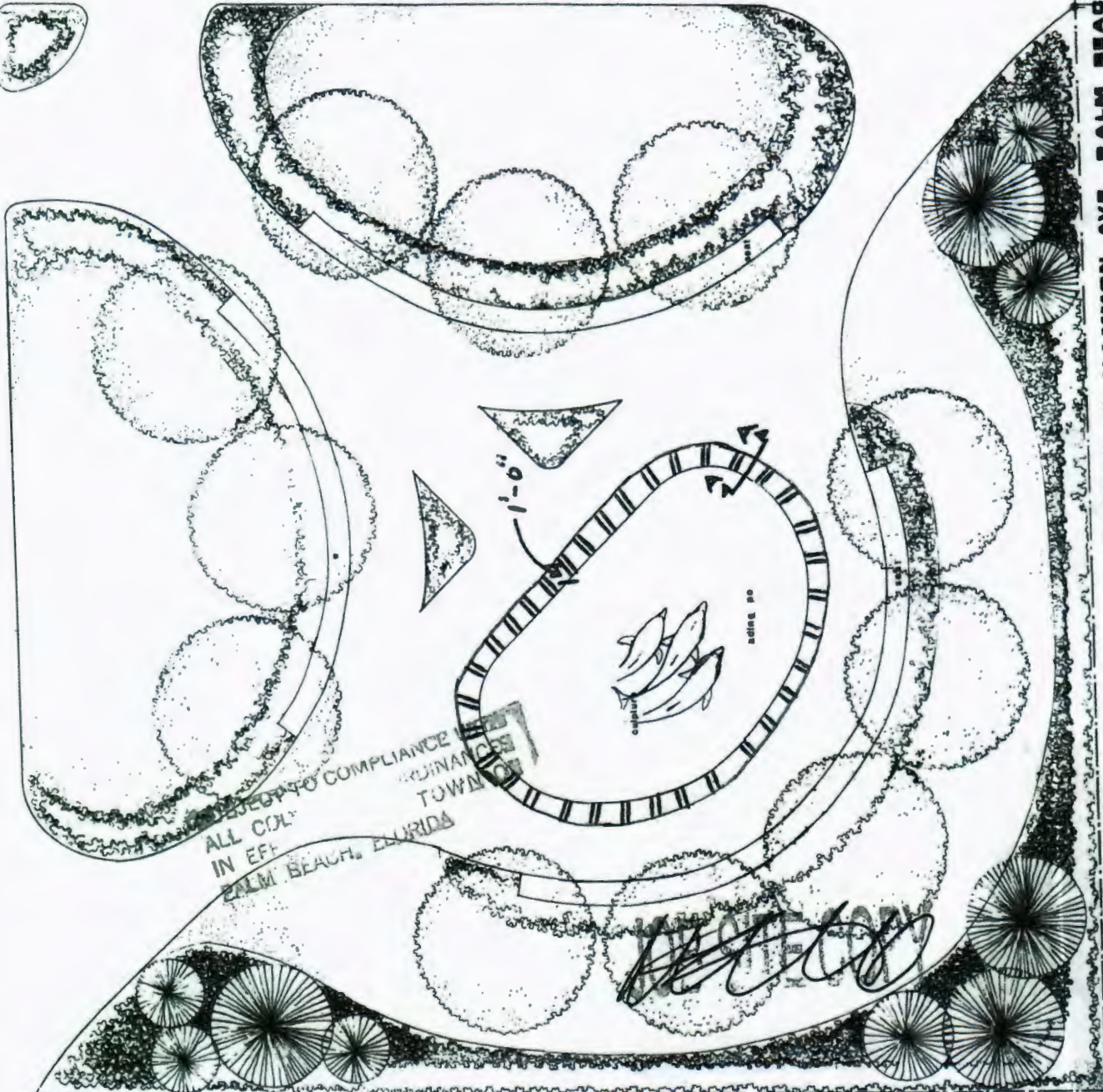
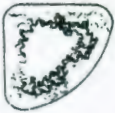
COLORED
CONCRETE
TO MATCH
EXISTING

OCEAN-BLVD



FILL

DETAIL A-A
NTS



PARK FOR HAROLD KAPLAN OCEAN BLVD. & HAMMON AVE PALM BEACH FLA.
L.A. COUNTY
11/1 YRBL

DESIGNED TO COMPLIANCE
TOWN OF
PALM BEACH, FLORIDA

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NOV 25 1996

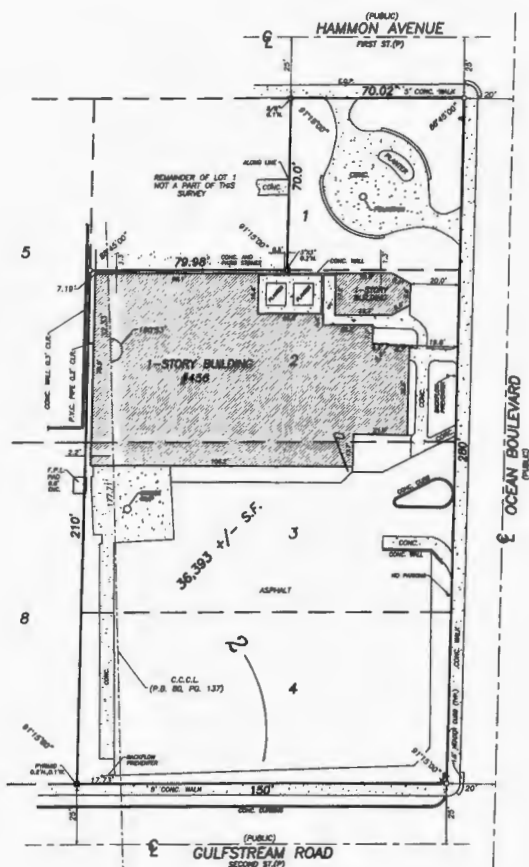
TOWN OF PALM BEACH
BUILDING & ZONING

REVIEWED

As submitted this 26 day NOV 1996

TOWN OF PALM BEACH, Building Department

Plan Examiner/Building Inspector

[illegible]

Boundary Survey For:
LANDRY'S SEAFOOD RESTAURANTS, INC.

This survey is made specifically and only for the following parties for the purpose of a closing and design on the surveyed property.

No responsibility or liability is assumed by the undersigned surveyor for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:
456 S. Ocean Boulevard
Palm Beach, FL 33480

LEGAL DESCRIPTION:
The East 70 feet of Lot 1 and all of Lots 2, 3 and 4, Block 2, SINGER ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 95.

FLOOD ZONE:
This property is located in Flood Zone C, according to F.I.R.M.
(Flood Insurance Rate Map) No. 120220 0003 C, dated September
30, 1982.

NOTES:

1. All information regarding recent assessments, appraisals and other documents that might affect the quality of this survey should be made available to the surveyor. (See Florida Statute § 217-122.11, known as "Levey's" test covering Form, dated May 24, 1973, and the Florida Department of Transportation, dated May 24, 1973.)
2. Drawings shown herein, if any, are in fact and described parts thereof and are based on HD-20-28.
3. Description furnished by client or client's agent.
4. Unknown to the signatory and the original record used as a Florida Statute § 217-122.11, known as "Levey's" test covering Form, dated May 24, 1973, and the Florida Department of Transportation, dated May 24, 1973.
5. The surveyor is not responsible for the accuracy of the specific written permission of the Florida Department of Transportation, dated May 24, 1973, and the Florida Department of Transportation, dated May 24, 1973.
6. Except as shown, underground and overhead impediments are not located.
7. Underground foundations not located.
8. The survey station shown herein does not necessarily contain the information required by the Florida Department of Transportation, dated May 24, 1973, and the Florida Department of Transportation, dated May 24, 1973.
9. No responsibility is assumed by this surveyor for the accuracy of the information shown on the survey.
10. Rebuilding shown herein does not represent a "survey update".

SUBJECT TO COMPLIANCE WITH
ALL CODES AND ORDINANCES
IN EFFECT IN THE TOWN OF
PALM BEACH, FLORIDA

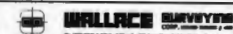
CERTIFICATION:
I HEREBY ATTEST that the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mapmakers pursuant to section 472.027, Florida Statutes, and adopted to Chapter 81G17-6, Florida Administrative Code, effective September 1, 1981.

DATE OF LAST FIELD SURVEY: 5/30/2003



Boundary Survey For:

LANDRY'S SEAFOOD RESTAURANTS, INC.



FILED	F.G.	DOB NO.	02-1155	FILED	PSB0 No 2
OFFICE	M.B.	DATE	5/30/02	DOB NO.	02-1155
STATION		REF.		W-01	1 of 1

on, the green belt be relooked at by the Council, depending on the location of the house. Seconded by Mr. Cummings. Mrs. Peters stated there was a letter of no objection received from the immediate neighbor to the west, Mr. Stephen Davidson, who would be most affected as he would lose his ocean view if a house was built on this lot. On roll call, the motion carried unanimously.

L. Poinciana Playhouse Lease Agreement - Request for Extension - Attorney Phil O'Connell, Jr. addressed the Council asking for an extension of the mid-week matinees. This meant twelve matinees during the Season and this upcoming Season, because of holidays, it would only mean ten. They have instituted a Park and Ride program with the Playhouse expending over twelve thousand dollars in promoting this program. This Season, the Playhouse is challenging its patrons to either use the Park and Ride Program or reconsider their subscription on Wednesday afternoons. They have a commitment in writing from the City of West Palm Beach to provide parking, one from CO-TRAN to provide bus service. They also provide security for the cars. Additional parking for eighty cars for the upcoming season at Temple Israel will be provided. They have also been offered spaces across from Holy Trinity in West Palm Beach. He knows there are some tenants in the Plaza who object to this request. He thought a Royal Poinciana Parking Task Force should be formed by the Council to attack the parking problem on a long term basis. Mr. Burn noted there was no agreement with the Town and the Theatre. Mr. O'Connell indicated a representative is here today of the landlord, and they will be willing to abide by the Town's wishes as they have done in the past. Attorney John Vancil, representing Mr. Spiegel, the landlord, stated this was correct.

Chief Terlizze indicated he does object to the continuation of the matinees and it does create a great amount of parking problems in the Plaza.

Mr. Zev Bufman addressed the Council stating his reasons why the matinees should be continued.

Attorney Doyle Rogers representing his law firm which has an office in the Plaza, urged the Council to not grant the request.

Mr. Ben Kahlenberg and Ina Jean Palmerio asked the Council to continue the matinees. Skip Hampton felt they should not be continued. Arianne Czongka on behalf of the cultural organizations in the Town asked they be continued. Herbert Swope also asked they be continued.

Mr. Cummings thought a workshop should be held on this matter. Mr. Burn did not agree and moved that the Council approve the continuation of Wednesday matinees for next year. Mrs. Douthit seconded the motion. Mr. Ilyinsky suggested that this may be the last time we do this unless the parking matter is resolved. Mr. Burn disagreed and stated the overpowering implication here is the Theatre must be maintained.

On roll call, the motion carried unanimously for approval.

KAPLAN PARK. Architect Phil Steel addressed the Council asking for approval of the plans for the Park at the corner of Hammon Avenue and South Ocean Blvd., which has now been approved by the Architectural Commission. Mr. Burn moved for approval. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Lunch break was taken.

Meeting called back to order.

X. COMMITTEE, BOARD AND COMMISSION REPORTS:

A. Public Safety Committee - June 18, 1985. Mr. Cummings commented on the report. Motion was made that the Report be approved. Seconded by Mrs. Douthit. Motion carried unanimously on roll call.

Mr. Cummings asked if a letter could be written to the Port stating the Town is not in accord with their idea of encouraging cruise ships to come to the Port. Mr. Burn felt the Council is not receptive when officials of other jurisdictions make remarks about how the Town of Palm Beach conducts its business and he believed other jurisdictions felt the same way and he was against writing such a letter. Mr. Ilyinsky and Mrs. Douthit felt there would be an impact but they agreed a letter would probably do no good.

A meeting of the Public Safety Committee was called to order by Chairman Alan Cummings at 9:30 AM on 6-18-85 in the Town Hall Council Chambers.

In attendance were the following: Chairman Cummings, Committeeman Widener, Mayor Marix, Councilwoman Douthit, Councilman Burn, Councilman Ilyinsky, Town Mgr. Delano, Bldg. Official Moore, WPCO Supervisor Lutz; Chief Terlizze, Tom Bradford. Also attendees in the audience were: Chief Elmore, Elisabeth Wells of PBDN and Ted Sloane, Resident.

The Chairman noted the Committee's purpose for meeting this morning was to have an update on the condition and status of both the North Fire Station as well as the New Police Facility. Comments were encouraged from both Chiefs relative to their facilities and Thomas Bradford, Administrator in charge of overseeing the construction aspects of both projects. Relative to the New Police Facility, Mr Bradford noted that according to the projected time frame, they are currently on-schedule. Site removal of trees, hedges and asphalt is currently in progress for preparation of actual construction. Chief Terlizze commented at this point on the temporary elimination of 4 to 5 parking spaces on Australian Avenue due to this factor, but foresees no problems. Mr. Bradford continued with the estimated completion date of this project as scheduled for 6-10-86. Stages of completion will be projected thru Monthly Applications of Payments and as to the 2.4 million budget, no overage is anticipated. He also added that provisions for new furnishings are allocated within the budget as well as usage of Town Hall items so as to produce an over all new look effect for the facility. As to questions raised on the utilization factor of space to be vacated by the Police Department upon completion of this project, Mr. Delano stated that this aspect is currently under Staff team review as established by Council objective. The current objective is re-assignment of offices on Coconut Row so as to eliminate the need for rental space at a very subatantial cost. Provision for the estimated renovation of the existing Town Hall space will be projected as an item in the Five Year Capital Improvement Program scheduled for submittal and review at the Budget Hearing commencing July 7th. The communications center plan and utilization or disposal of existing equipment were final topics of discussion for this project. Chief Terlizze noted that some restructuring of plans are necessary since the initial design of the communications center reflects VHF equipment and currently plan to utilize an 800 megahertz equipment so as to insure special features, such as, no interferences or break-ins to the frequency. Only minor adjustments and modifications are required to accommodate structurally. This change will also be reflected in the Bid Specifications of the Communication Equipment Contract before the letting of the bids so as to eliminate the need for a Change

Poinciana
Playhouse
Lease Agr.

Kaplan Park

Committee,
Board & Commission
Reports

Public
Safety
Committee

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(305) 655-5341



Town of Palm Beach

P.O. Box 2029

Palm Beach, Florida 33480

July 15, 1985

Mr. Philip Steel
The Steel Partnership
102 North County Road
Palm Beach, Florida 33480

Subject: Kaplan Park
Hammon Avenue and South Ocean Boulevard

Dear Mr. Steel:

The Town Council at the regularly scheduled meeting of July 9, 1985 approved the subject matter authorizing construction of the subject park as depicted on your drawings, including landscaping and irrigation system.

This Town Council approval constitutes zoning approval only and does not relieve the owner from obtaining additional Town approvals as may be required such as Architectural Commission, Landmark Commission, and or construction permits.

Sincerely,

David C. Zimmerman
Deputy Building & Zoning Official
DCZ/wz

cc: pf ✓

6/21/00 RJD

Re: Kaplan Park (SW corner of South Ocean Blvd. & Hammon Avenue)

xc: Mayor and Town Council

Dusey Please review and if you believe Town actions are needed, please follow-up
Thanks, RJD.

Moore From a comprehensive perspective, please discuss with A. Dusey and
assist A. Dusey if Town actions are needed. Thanks, RJD.

Pollitt
Bradford
Jakubiak
Lefler

PALM BEACH CIVIC ASSOCIATION

Enhancing the Quality of Life in Palm Beach Since 1944

The Paramount Building • 139 North County Road, Suite 33 Palm Beach, Florida 33480

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June 19, 2000

Messrs. Barry and David Leiwant
350 South County Road, Suite 203
Palm Beach, Florida 33480-4450

Dear Messrs. Leiwant and Leiwant:

I am writing to suggest what might be an amiable solution to improving the condition of Kaplan Park at no charge.

Our role in the Civic Association is to be of assistance to the residents and businesses in Palm Beach. In the case of Kaplan Park, we have been unsuccessful in our attempts so far.

Would you care to donate Kaplan Park to the Town if it would be maintained in its original pristine (perfect) condition in perpetuity? The savings in taxes and maintenance would be an added plus.

We would be happy to help in pursuing this goal if it strikes a responsive chord. Please let me know how we may assist in this Town beautification project.

Very truly yours,

David L. Jones

David L. Jones
Town Beautification Chairman

DLJ/efw
By Certified Mail

cc Joe Ugi, Parks Supervisor/Building & Grounds Manager of the Town of
Palm Beach

