

From: [Wayne Bergman](#)
To: [John Eubanks Jr](#); [Donald Lunny](#)
Cc: [Maura Ziska](#); [John \(Skip\) C. Randolph](#); [Legal](#); [Town Attorney](#); [Kelly Churney](#); [James Murphy](#); [Paul Castro](#)
Subject: RE: Request to defer Simmons Appeal to May Town Council Meeting
Date: Monday, March 29, 2021 12:22:38 PM

John – of course we will ask that the appeal be deferred. This should not be a problem. Thank you.

Wayne Bergman, MCP, LEED-AP

Director

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Planning, Zoning, Building
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[P.S. Your exterior project may require ARCOM approvals. Click here for more info.](#)

From: John Eubanks Jr <jeubanks@sniffenlaw.com>
Sent: Monday, March 29, 2021 11:55 AM
To: Donald Lunny <Donald.Lunny@brinkleymorgan.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Maura Ziska <MZiska@floridawills.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>
Subject: RE: Request to defer Simmons Appeal to May Town Council Meeting

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Dear Wayne:

I am in receipt of the below e-mail from Mr. Lunny on behalf of his clients the Simmons'. As you can imagine, our office has the same concerns as Mr. Lunny regarding the need to review the final version of the Declaration of Use Agreement (and attachments), see that it is properly executed, and ensure the development orders are "final." As a result, on behalf of the DeVries we would request that their Appeal also be deferred to the Town Council's May meeting.

Thank you.

John R Eubanks, Jr.

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From: Donald Lunny [<mailto:Donald.Lunny@brinkleymorgan.com>]
Sent: Tuesday, March 23, 2021 3:46 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: John Eubanks Jr <jeubanks@sniffenlaw.com>; Maura Ziska <MZiska@floridawills.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>
Subject: Request to defer Simmons Appeal to May Town Council Meeting

Dear Wayne:

As you know, the Simmons' Appeal was deferred to the Town Council Meeting of April 14, 2021. I would like to request another deferral to the May Town Council Meeting. All of the zoning approvals that were part of the settlement have been granted by the Town Council and ARCOM, and the only remaining items that need to occur before the Simmons' Appeal is withdrawn is:

1. My review and approval of the Declaration of Use Agreement (to make confirm it is in the form consistent with the Settlement and as approved by the Town Council, has the correct exhibit, and is signed by the Town and the Hotel Owner and recorded); and,

2. The development orders of the ARCOM and Town Council becoming “final” as a result of the passage of time without any third - person - with - standing seeking judicial review (as you may know, such review must usually be brought 30 days from “rendition” of the orders reflecting the various Approvals).

I am unsure whether either remaining “loose end” will be met by the Agenda closing deadline for the April 14, 2021 Town Council Meeting. I will be traveling in the first week of April, and so I wanted to send you this request early so that you would have it for Agenda management purposes

For the foregoing reason, I ask for the Simmons Appeal to be continued to the Town Council May Agenda. I have advised the Applicant’s attorney, Maura Ziska, that I would be making this request, and she had no objection to this deferral.

In closing, my client and I want to thank you and your Staff for the courtesies extended. They are and have been appreciated. Please let me know if anything else is required.

Sincerely,
Don

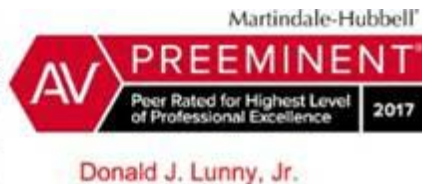
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