



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 16, 2021

Mr. Jay Boodheshwar
Deputy Town Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Boodheshwar,

This letter is in response to a stakeholders meeting held virtually on April 5, 2021, renewing the Town of Palm Beach's request to add a grand staircase on the back side of the 1929 Memorial Fountain Park, a National Register listed property designed by famed local architect Addison Mizner. The request to the Florida Division of Historical Resources (DHR) is based on two active restrictive covenants which were signed because of state grants from DHR to the Town of Palm Beach. The covenants expire in 2024 and 2025, respectively.

Previous letters from our office to the Town of Palm Beach dated April 3, 2014 and May 2, 2019, denied the town's requests to install the stairs. This denial was based on the removal of original, historic balustrade required for installation of the new stairs. This was considered to be an adverse effect to this National Register listed resource and inconsistent with the Secretary of the Interior's Standards for Preservation.

While it is preferable to keep the original, historic fabric and the Mizner design intact, further discussions with the stakeholders have stressed the importance of connectivity to the adjacent park, as well as the safety for park users. It was also conveyed during our April 5 meeting that when the park was completed in 1929, there was a roadway behind the fountain that would not have allowed Addison Mizner to connect the fountain to the now adjacent green space.

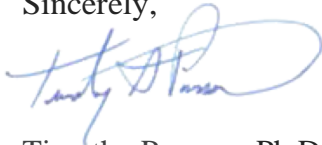
Mr. Boodheshwar
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Upon further consultation with the stakeholders, our office will no longer oppose the addition of new stairs on the back side of the fountain or pursue recapture of grant funds based on this specific action subject to the restrictive covenants. To mitigate this action, we do request that the removed balustrade be preserved and/or reused in some way by the city, either as an educational tool or a decorative element elsewhere in the city.

Please note that our office does not consider this project to be an exception under 36 CFR 36.405 *Alterations: Historic Preservation*. Since this modification involves creating a new path of travel to a public space, construction of the new non-accessible stairs may be subject to ADA regulations under 28 CFR 36.403 *Alterations: Path of Travel* and may be reviewed by the local code official. Our office encourages the city to consider safety and accessibility to the fountain level of the park for all citizens.

If you have questions or need clarification, please contact me at 850.245.6306 or Timothy.Parsons@dos.myflorida.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Parsons", with a large, stylized loop at the end.

Timothy Parsons, Ph.D.
Director, Division of Historical Resources &
State Historic Preservation Officer

TP/asl