

**From:** [Wayne Bergman](#)  
**To:** [Donald Lunny](#); [Paul Castro](#)  
**Cc:** [John Eubanks Jr](#); [Maura Ziska](#); [James Murphy](#); [John \(Skip\) C. Randolph](#); [Legal](#); [Town Attorney](#); [OConnor, Joanne M.](#); [Kelly Churney](#)  
**Subject:** RE: Request to Continue Simmons ARCOM Appeal: Pending Declaration of Use Agreement's Execution  
**Date:** Monday, June 07, 2021 12:51:29 PM

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Don – Thank you. This is acceptable. We will inform the Mayor and Town Council of the deferral request.

Kelly – please send this along to the TC.

Thanks.

**Wayne Bergman, MCP, LEED-AP**

**Director**

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

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**From:** Donald Lunny <Donald.Lunny@brinkleymorgan.com>  
**Sent:** Monday, June 07, 2021 11:36 AM  
**To:** Wayne Bergman <wbergman@TownOfPalmBeach.com>  
**Cc:** John Eubanks Jr <jeubanks@sniffenlaw.com>; Maura Ziska <MZiska@floridawills.com>  
**Subject:** Request to Continue Simmons ARCOM Appeal: Pending Declaration of Use Agreement's Execution  
**Importance:** High

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Dear Mr. Bergman:

I hope this finds you well.

As you may know, our client has indicated that it will dismiss its Appeal of the ARCOM decisions in connection with The Palm House Hotel when the Declaration of Use Agreement (“Agreement”) is fully executed, provided that such Agreement is in the form previously approved. As you may further know, the form of the Agreement has been approved, and we have been advised by Maura

Ziska that it has been sent overseas to be executed by her client, the Developer. I am assuming that it will not be back in time to be signed by the Town before this Wednesday's Town Council Development Review Meeting.

In light of the above, This e-mail will confirm for your file my client's request that her pending Appeal be continued (again) until the next Town Council Development Review Meeting. Hopefully by then the document will be back and fully executed by then, without any changes.

It is my understanding that John Eubanks will be sending you a companion request for his client's Appeal.

Thank you for the courtesies the Town continues to afford in this matter.

Sincerely,  
Don

**DONALD J. LUNNY, JR. | PARTNER**

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[donald.lunny@brinkleymorgan.com](mailto:donald.lunny@brinkleymorgan.com)



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