



Prepared by and return to:
 Warren E. Avis, Jr., Esquire
 Avis & Avis, P.A.
 125 Worth Avenue, Suite 203
 Palm Beach, Florida 33480

Property Appraisers Parcel No.:
 50-43-43-15-08-000-0430

CFN 20090221749
 OR BK 23314 PG 0512
 RECORDED 07/02/2009 10:15:10
 Palm Beach County, Florida
 AMT 10.00
 Doc Stamp 0.70
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0512 - 513; (2pgs)

TRUSTEE'S SPECIAL WARRANTY DEED

THIS TRUSTEE'S SPECIAL WARRANTY DEED, executed this 30th day of June, 2009, by and between

B. CHARLES AMES, Trustee of the **B. CHARLES AMES TRUST** dated August 26, 2002 (hereinafter referred to as "Grantor"), and **THE TOWN OF PALM BEACH**, a Florida municipal corporation, whose post office address is Post Office Box 2029, 360 South County Road, Palm Beach, Florida 33480, (hereinafter referred to as "Grantee"),

(Whenever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the real property conveyed herein by said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged by these presents does grant, bargain, gift, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Palm Beach County, Florida, to wit:

Lots 43 and 44, Bungalow Park Addition, according to the plat thereof, recorded in Plat Book 7, Page(s) 26, Public Records of Palm Beach County, Florida.

The real property is not the Homestead property of Grantor, who resides in the State of Ohio.

WHEREAS, the Grantor desires to donate the real property to the Town of Palm Beach as a gift and dedicates all or part of the same to public use as a park and green space. The provisions of this paragraph shall terminate 15 years after the date hereof.

SUBJECT TO restrictions, reservations and easements of record, building set back lines, applicable zoning regulations and taxes for the year 2010 and subsequent years.

TOGETHER with all and singular the tenements, hereditaments, all buildings and other improvements now located on the property, and appurtenances belonging to or in anywise appertaining to the real property.

TO HAVE AND TO HOLD the same to the Grantee and Grantee's successors and assigns, in fee simple forever.

And the grantor hereby covenant with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all person claiming by, through or under grantor.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal on the date and year first above written.

Signed, sealed and delivered in our presence:

Linda M Long
Printed Name: LINDA M LONG
Witness

Anita J Nuibe
Printed Name: ANITA J. NUIBE
Witness

By: B. Charles Ames
B. CHARLES AMES, as Trustee
of the B. Charles Ames Trust dated August 26,
2002
Address: Monarch Centre #300,
5885 Landerbrook Dr.
Mayfield Heights, OH 44124

STATE OF OHIO
COUNTY OF CUYAHOGA

The foregoing instrument was acknowledged before me this 30th day of June, 2009 by B. Charles Ames, as Trustee of the B. Charles Ames Trust dated August 26, 2002, who is personally known to me or who has produced his _____ driver's license as identification.

Anita J Nuibe
Printed Name: ANITA J. NUIBE
Notary Public

My Commission Expires: / /
Anita J. Nuibe, Notary Public
State of Ohio, Lake County
My Commission Expires Oct. 11, 2009

(NOTARY SEAL)

Mayor Moore stated she was notified that Dr. Nasser, a neighbor to the park, had concerns because she had not been informed and wanted to know was there any public notice of the Resolution. The only notice required for this resolution was notice of the agenda. There were no additional public notice requirements.

Mr. Brazil stated that two parcels along Park Avenue were donated to the town several years ago. A private donor had worked with a designer to prepare plans and agreed to cover the cost of the beautification project. Ms. Ziska, attorney, contacted staff about the donor's desire and stated that the donor was not asking for anything in return. Ms. Strayer added that with regard to Phase 8 undergrounding, the location of transformers would be worked into the park.

There was discussion about notice requirements. Council member Araskog thought, at a minimum, that people on Park Avenue should have been notified about the potential for changes to public park properties.

Corey Myer, Neivera Williams Design, presented the plan for the project.

Mr. Bergman, Director of Planning, Zoning and Building, provided clarification of the process. He said for substantial changes along lot lines, the neighbors will be required to complete a consent form.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 033-2024. On roll call, the Motion failed 2-3 with Council Member Araskog, Council President Pro Tem Lindsay and Council President Zeidman dissenting.

Motion was made by Council Member Araskog to approve Resolution No. 033-2024 with the condition that all owners on Park Avenue and abutting properties are noticed and if there is negative feedback, will return to the Town Council at the April 9, 2024 meeting. Motion died for lack of a second.

Council President Zeidman suggested this item be approved, but the procedure be reviewed and improved as appropriate.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 033-2024. On roll call, the Motion passed 3-2 with Council Member Araskog and Council President Pro Tem Lindsay dissenting.

2. RESOLUTION NO. 017-2024 (3:11:53) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Bifurcating the Project Designation Manual or Design

2024, Public Hearing Prior to 5:00 PM

Wayne Bergman, Director of Planning, Zoning and Building

2. PERC - Extension of Appointment
Gillian Barth, Director of People & Culture
3. Request by the City of West Palm Beach for Town Sponsorship for City's 4th on Flagler Event
Kirk W. Blouin, Town Manager
4. Endorse Palm Beach County's Bonefish Islands Restoration Project and Approve Waivers to Town Code for Construction Dates, Hours, and Noise in Lake Worth Lagoon
H. Paul Brazil, P.E., Director of Public Works

Clerk's Note: This item was taken out of order and heard after RECOGNITIONS

XI. BOARD/COMMISSION ANNUAL REPORT (12:49)

- A. Annual Report of the Landmarks Preservation Commission**
Sue Patterson, Chair

Ms. Patterson presented the annual report for 2023. She presented a plaque of appreciation to Council President Zeidman, making her an honorary member of the Landmarks Preservation Commission. She also thanked the rest of the Commission and Town Staff for always being available and supportive.

There were some questions that were answered, and Council President Zeidman recognized the LPC for a job well done in their efforts to correct an error and to bring the community together on an important project for the town.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Report of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

Clerk's Note: A short break was taken at 9:45 AM

XII. REGULAR AGENDA

- A. Matters Pulled From Consent Agenda: If needed**

1. RESOLUTION NO. 033-2024 (2:40:19) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Beautification Design Plans for the Park Avenue Pocket Parks and Accept a Donation to Construct the Beautification Project. The Donation Amount is to be Determined at the Time of the Final Bid.
H. Paul Brazil, P.E., Director of Public Works

,**From:** Patrick McGowan <Pmcgowansr@aol.com>
Date: August 22, 2023 at 11:37:59 PM EDT
To: Maura Ziska <mziska@floridawills.com>, cory@nieverawilliams.com
Cc: Ryelisa <ryelisa@aol.com>, PJ McGowan <pmcgowanny@gmail.com>
Subject: Re: Beautification of Parks on Park Ave.

On Saturday, August 19, 2023 at 10:30:22 AM EDT, ryelisa <ryelisa@aol.com> wrote:

Hello Maura,

Hope all is well and we do appreciate you sharing the plans for the parks on our block. While these renderings are certainly suitable for a commercial or downtown location, they are not necessarily an enhancement for a residential block. The openness and usable green space of the parks are their greatest attribute. They are peacefully enjoyed by the Residents of Park Ave and other nearby Palm Beach Residents. Please relay our thanks to the anonymous donor for their thoughts and we are sure there are many other great locations in need of beautification or causes to put those funds to work.

All the best,

Patrick & Lisa McGowan

From: Maura Ziska <MZiska@floridawills.com>
Date: August 19, 2023 at 8:08:11 AM MDT
To: Patrick <pmcgowanny@gmail.com>, ryelisa@aol.com
Cc: Cory Meyer <cory@nieverawilliams.com>
Subject: Beautification of Parks on Park Ave.

Good morning Patrick and Lisa: I am reaching out to you to review a plan for improvements to the two parks on Park Avenue. There is an anonymous donor who has offered to pay to beautify these two Town owned parks. As you own property on Park Avenue, I wanted to share these plans to gather your support for this beautification. I copied our Landscape Architect/Designer Cory Meyer if you have any specific plant questions. Looking forward to hearing your thoughts. Thanks. Maura

Maura A. Ziska, Esq.

Kochman & Ziska PLC

222 Lakeview Avenue, Suite 1500

West Palm Beach, FL 33401

561-802-8960 (telephone)

561-802-8995 (fax)

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From: Patrick McGowan <Pmcgowansr@aol.com>

Date: March 30, 2024 at 5:33:24 PM EDT

To: council@townofpalmbeach.com, Mayor@townofpalmbeach.com

Cc: Ryelisa <ryelisa@aol.com>, Bridget Moran for Town Council
<campaign@bridgetmoran.com>

Subject: Park Ave Parks renovations? 240 and 247 Park Ave

Dear Town Council Members and Mayor Moore,

I am writing on behalf of ourselves and our directly neighboring residents to the proposed, and surprisingly approved project concerning the 2 parks on our street. I checked in with Kelly Churney and then Public Works Director Paul Brazil as to the status of this project and the breakdown in communications (see below). Unfortunately not only we were not notified about the project that directly borders our property, but no sign has ever been posted or official renderings transmitted. It is hard to believe that we had to hear about this second hand and then had to scour the Palm Beach Daily News for the article. It is also unsettling that a project of this magnitude is mysteriously the first case of lack of NOTICE to neighbors and is going to become an example for correct procedure in the future.

Lastly we are not comfortable with an "anonymous donation" and what that may hold for the future use of our peaceful, open green-space parks that are enjoyed by the residents of Park Ave and its immediate Palm Beach residents.

At this time we agree with Councilwoman Julie Araskog and Council President Pro Tem Bobbie Lindsay to defer this project until all the parks neighbors are notified and given an opportunity to comment on the plans. I am including incoming Town Council member Bridget Moran in case there is overlap.

Thank you all once again for your hard work and dedication to preserving our beautiful town.

Sincerely,

Patrick and Lisa McGowan, and all Park Ave residents.

251 Park Ave

Palm Beach, FL 33480

914-482-4401

----- Forwarded Message -----

From: Patrick McGowan <pmcgowansr@aol.com>

To: pbrazil@townofpalmbeach.com <pbrazil@townofpalmbeach.com>

Sent: Thursday, March 28, 2024 at 02:22:40 PM EDT

Subject: Park Ave Parks renovations?

Hello Paul,

I am being directed to you with regards to the proposed renovation/beautification to our directly neighboring parks at 240 and 247 Park Ave. While we see that some detailed work has gone into these plans, we were never notified from ARCOM, Landmarks or Town Council with regard to this project or meetings. We are full time residents and have always been made aware of any construction projects I believe within 300' and as

far as 750' (ex. Paramount Theater, Palm Beach Hotel etc). There also are no signs visible on location to alert neighbors of the proposed project which also seems strange and as far as we know our neighbors were also not notified. We were alerted by accident from a renter on the block who said they saw it in the newspaper.

While it is a very generous gesture from an "anonymous" donor, being directly next door and across from both parks, we are not comfortable with that arraignment. There is also the added landscaping maintenance going forward and reduction of actual green space to be considered. Please update us when possible as to the current status of the project and how this odd breakdown in communication with residents occurred. Your office does incredible work keeping our town preserved and in beautiful condition for the peaceful enjoyment of its residents.

All the best,

Patrick & Lisa McGowan

Park Ave

914-482-4401

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