

Town cites easements in refusal to sign club agreement

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The Town Council will not sign the Mar-a-lago Club agreement until the deal they struck with Donald Trump over the preservation of the landmark is in place.

Two weeks ago, Trump signed the final draft of the club agreement between him and the town. However, council members say they will not sign the document until Trump donates legal control

of historic features of the estate — the preservation easements — to assure the landmark's protection.

Trump said the town has things backward. He will donate the easements, which are irrevocable, only after he receives the signed agreement.

"First, you have to have the agreement. Suppose I put preservation easements in place and then they decide to not sign the

agreement. ... Nobody has ever accused me of being stupid," Trump said Friday from New York.

Councilwoman Lesly Smith said the preservation easements should be in place before town officials sign the agreement.

"I do not feel that Mar-a-Lago will be preserved if the agreement is signed by the town prior to these preservation easements being in place," Smith said Thursday at a special Town Council meeting to set the tentative tax

rate. "All of the members of the council, according to the [meeting] tapes that I have listened to and the minutes that were recorded, express their concern as to the preservation of this property. And the concerns of the council were apparently alleviated by the voluntary designation or the offering of these preservation easements by Mr. Trump," Smith said.

Trump, who wants to open the club's doors Oct. 15, 1994, ques-

tioned the town's request. "They sent me a final agreement to sign and I signed it and sent it back and now they want to make changes?" he said.

The council Thursday told Town Attorney John Randolph to get Trump to establish the easements.

Paul Rampell, Trump's attorney, said the deeding of the easements was never a prerequisite to the execution of the agreement. In fact, the issue was intentionally omitted, he said.

"The town, the club and Donald Trump agreed to exclude the preservation easements from the declaration of use agreement during the course of the hearings," Rampell said.

He and Trump consider the contract completed. "As far as we are concerned, it is a done deal," Rampell said. "This is the final effort to obstruct our application, even though it's too late."

Rampell said another reason

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Trump disagrees that the easements should be donated before the agreement is finalized is that establishment of the easements will take several months and would delay club preparations.

"We would like the declaration of use agreement to be signed as soon as possible so that construction can begin and potential members can be invited to join," Rampell said.

Trump, who restored Mar-a-Lago and kept its original furnishings after he purchased the former Marjorie Merriweather Post home in 1985, said he was not required to donate the easements, but offered to do so to protect the home.

He said he has always intended to donate the easements and considered it similar to conditions of the agreement, such as building a wall on the property or installing a fire protection system.

The 17-page Declaration of Use Agreement that Trump

yet-unnamed organization control of historic features of the mansion's interior that are not protected by its landmark status, and other elements such as the main gate, perimeter wall and the vistas to ensure the Hispano-Moresque villa remains unchanged.

Trump also signed a dismissal of the \$50 million lawsuit he brought against the town in July 1992 over the council's denial of his subdivision plans. However, Rampell has not submitted it to the court and won't do so until the town signs the club agreement.

According to the Preservation Foundation of Palm Beach, the easements are crucial for the preservation of the estate and should be established as soon as possible.

"The town is proceeding in a very sensible way and is trying to protect all the residents in town and Mar-a-Lago, which is our only national landmark," said Polly Earl, executive director of

Another guarantee that the easements will be granted is the town's position not to issue Trump an occupational license for the club until the easements deed has been accepted and recorded. "So the town is 100 percent protected in my legal opinion that the preservation easements must be granted," Rampell said.

But Councilwoman Smith questioned the town's right to withhold an occupational license.

"It wouldn't be fair to the owner to let him go ahead spending thousands of dollars in bringing the property into compliance with the code and putting in the spa and then at the last minute not give him his certificate of occupancy because the preservation easements are not in place," Smith said.

Rampell said he has contacted two organizations about accepting the easements. His first choice is the National Trust for

Historic Preservation. "They have expressed a great deal of interest in this," Rampell said of the Washington, D.C.-based organization. A National Trust committee is reviewing the easements deed, Rampell said.

Mary Hoyt, director of communications for the National Trust refused to comment.

Randolph said that because Trump volunteered to donate the preservation easements, the matter wasn't incorporated into the agreement.

But the council thought the easements would have been donated before the agreement was signed, Randolph said. "They want the comfort of knowing the voluntary preservation easements are in place prior to the execution of the agreement."

The agreement must be signed by Mayor Paul Ilyinsky, Town Council President William Weinberg and Town Manager Bob Doney to be final.

"I assure you I'm not going to sign any document the council is not happy with," Ilyinsky said.

"I certainly wouldn't do so either," Weinberg said.

The Palm Beach Civic Association, which formed a committee to study the club plan, also wants the town to hold off on signing the agreement until the easements are donated.

"Since the preservation of Mar-a-Lago was one of the reasons proposed by the owner for conversion to a club, it seems judicious to have documents setting forth the easements approved and accepted by the donee organization before final signature of the agreement in order to ensure that the structure will truly be preserved," association chairman Harold Scott and president Louis Pryor wrote in a letter to Town Attorney Randolph.

The agreement Trump signed was delivered to Randolph's office July 26. That afternoon from

his New York office Trump said he would begin accepting applications for club memberships as soon as the town returned the signed agreement.

"We have received inquiries from a number of people who want to join the club — many from Palm Beach," Trump said.

Those interested in joining the club number in the "hundreds," according to Rampell. "I've gotten calls and letters almost every day," he said.

The agreement limits the club to 500 memberships.

"There's community support. A lot of people want to see the club succeed especially as a heterogeneous social center," Rampell said.

People also are lining up for a spot on the club's governing board, said Trump, who will appoint officers within the next 12 months. "There's a tremendous interest in it. We want it to be a very good board," he said.