# Memorandum

MIAMI-DADE COUNTY

**Date:** June 30, 2009

Agenda Item No. 8(N)(1)(B)

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Historic Preservation Ad Valorem Tax Exemption for Victor Hotel, 1144 Ocean Drive, Miami Beach, Florida

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## Recommendation

It is recommended that pursuant to the provisions of Florida Statute Section 196.1997 and 196.1998 and Dade County Ordinance 16A-18 that the Board approves the resolution for the Ad Valorem Tax Exemption for the property located at 1144 Ocean Drive, Miami Beach, FL.

## Scope

Impact of the agenda item is countywide and does not have a separate impact upon one or more commission districts.

## Fiscal Impact

Annual taxes to be foregone if this Historic Preservation Exemption application is granted are estimated at $49,423 (see the attached "Revenue Implications Report" provided by the Property Appraiser).

## Track Record/Monitor

County Historic Preservation staff or the Preservation Officer of the municipality in which the property is located will conduct periodic reviews of the property to insure that the improvements are maintained for the duration of the tax abatement.

## Enabling Legislation

In 1993, the State legislature approved Tax Exemptions for historic properties; and enabled local governments the option to provide property tax exemption for historic properties.

The purpose of this legislation is to encourage historic preservation by offering an economic incentive to those property owners who take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to Miami-Dade County's portion of the taxes.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources in order for a tax exemption to be allowed, such as:

- Certification, by the applicable preservation board, that the property has been designated historic
- Certification, by the applicable preservation board, that the property has received approval for the improvements.
- Determination, by the applicable preservation board, that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation.

**Duration**

The tax exemption takes effect on January 1 following substantial completion of the improvement and extends for a ten-year period. Failure by the owners to adhere to these standards would result in revocation of the exemption.

**Project Details**

The Victor Hotel at 1144 Ocean Drive, Miami Beach, is a historically contributing property within the 'Miami Beach Architectural District,' a district listed in the National Register of Historic Places. The site is also a contributing property within the Ocean Drive/Collins Avenue Local Historic District designated by the City of Miami Beach. Architect L. Murray Dixon designed the hotel. Dixon was one of the most prolific and best-known architects in the Miami area during the 1930s and 1940s. The building was constructed in 1937. The Victor is considered "one of the finest large scale Art-Deco era hotels in the City."

The project involved complete renovation of the historic hotel structure, which had been vacant and gutted for several years. The project also included construction of a five-story addition on the south side of the property, including a one-story retail structure with a roof-top courtyard and pool terrace.

**Submittal Dates**

County historic preservation staff initially received Part I and Part II of the application in January of 2007. The owner submitted a signed covenant of agreement in February of 2007 and the county's Historic Preservation Board approved the project in January of 2007. Property Appraiser submitted the Revenue Implications worksheet in July of 2008. Both Part I and Part II of the application were "completed" (certified by the local historic preservation officer) and submitted in November of 2008.

Attachments

Alex Muñoz
Assistant County Manager

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** June 30, 2009

**FROM:** R. A. Cuevas, Jr. County Attorney

**SUBJECT:** Agenda Item No. 8(N)(1)(B)

**Please note any items checked.**

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(1)(B)
6-30-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO THE VICTOR HOTEL, 1144 OCEAN DRIVE, MIAMI BEACH, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE

**WHEREAS,** the Florida Legislature has authorized counties and local governments to grant tax exemptions to historic properties for the incremental value added by approved restoration work, provided that the owner covenants to maintain the historic nature of the property during the term of the tax exemption; and Miami-Dade County has enacted enabling legislation to provide such exemption, codified at section 16A-18, Miami-Dade County code; and

**WHEREAS,** 1144 Ocean Drive, Miami Beach, Florida is a contributing property within a local historic district and a National Register historic district; and

**WHEREAS,** the Miami-Dade County Historic Preservation Board recommended that the exemption be allowed and certified to the Board of County Commissioners that The Victor Hotel, 1144 Ocean Drive, Miami Beach, Florida is included within the Miami Beach Architectural District (National Register) and the Ocean Drive/Collins Avenue Historic District (Miami Beach) and that the proposed improvements are consistent with the United States Secretary of the Interior's Standards for Rehabilitation and meet the criteria established in the rules adopted by the Department of State; and

**WHEREAS,** the property owner(s) have executed the necessary covenant, which is attached and made part of this resolution,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board finds that this property meets the requirements of section 16A-18, Miami-Dade County code and therefore the application for a historic preservation tax exemption, pursuant to those provisions, is hereby granted to Zom Ocean Drive, Ltd., as the owners of The Victor Hotel, 1144 Ocean Drive, Miami Beach, Florida. The owners shall have recorded the original of the attached covenant with the deed for the property in the official records of Miami-Dade County and Miami-Dade County hereby accepts the covenant. The exemption shall run for ten years beginning on January 1st following substantial completion of the improvements. The County Mayor or County Mayor's designee is hereby authorized and directed to sign the attached covenant on behalf of Miami-Dade County. If any section, subsection, sentence, clause or provision of this resolution is held invalid, the remainder of this resolution shall not be affected by such invalidity.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

| | |
|---|---|
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. TWL

Thomas W. Logue

# HISTORIC PRESERVATION EXEMPTION
# PROPERTY TAX ASSESSMENTS / REVENUE IMPLICATIONS

Property Address: 1144 Ocean Dr
Folio # 02-3234-008-0280

| | | | 2006 Estimate |
|---|---|---|---|
| 1. | Total Just Value of the Property | | $16,999,184 |
| 2. | Just Value of the Improvements to the Property ( The change in value due to the renovation as determined by the Property Appraiser ): | | $10,792,026 |
| 3. | Summary of annual taxes levied on these improvements ( Taxes = value change x 2007 millage ): | | $217,725 |
| | a) Countywide Operating | $49,423 | |
| | b) Unincorporated Municipal Service Area | $0 | |
| | c) Debt Service | $3,076 | |
| | d) City Operating | $61,034 | |
| | e) All other property taxes | $104,192 | |
| | | $217,725 | Total taxes |

**County Revenue Implications**

Annual taxes to be foregone if this Historic Preservation Exemption application is granted (estimate).

| | | |
|---|---|---|
| a) | County | $49,423 |
| b) | UMSA | $0 |

Date: 7/11/08

Signed: _____
Property Appraiser

7

RECEIVED
FEB 2 1 2007
Miami-Dade County
Office of Historic Preservation

**MIAMI-DADE COUNTY**

**HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT**

This Covenant is made the 13 day of February, 2007, by ZOM Ocean Drive, Ltd., a Florida limited partnership, (hereinafter referred to as "Owner") and in favor of MIAMI-DADE COUNTY (hereinafter referred to as "Local Government") for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 1144 Ocean Drive, Miami Beach, FL., Folio #02-3234-008-0280 and attached new construction under #02-3234-008-0290 and x0300 which is owned in fee simple by the Owner and is listed in the National Register of Historic Places or locally designated under the terms of a local preservation ordinance or is a contributing property to a National Register listed district or a contributing property to a historic district under the terms of a local preservation ordinance. The areas of significance of this property, as identified in the National Register nomination or local designation report for the property or the district in which it is located are X architecture, X history, ____ archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows (include city reference, consisting of repository, book, and page numbers): _____

See Property Appraiser folio #s above.

In consideration of the exemption granted by the Local Government, the Owner hereby agrees to the following for the ten year period beginning on January 1st after the improvements are substantially completed:

1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places or designation under the provisions of the local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission of the Local Historic Preservation Office.

The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

Name of Office/Agency: MIAMI-DADE OFFICE OF HISTORIC PRESERVATION

Address: Stephen P. Clark Ctr., 111 NW 1st ST., Ste. 695

City: MIAMI Zip: 33128

Telephone: 305-375-4958 fax: 305-372-6394

3. (Only for properties of archaeological significance) The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. above.

4. The Owner agrees that the Local Historic Preservation Office and appropriate representatives of the Local Government, their agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this Covenant are being observed.

5. In the event of the non-performance or violation of the maintenance provision of the Covenant by the Owner or any successor-in-interest during the term of the Covenant, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s.196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those

years, plus interest on the difference calculated as provided in s.212.12(3),F.S.

6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform the Local Historic Preservation Office in writing of the damage of the Property, including (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office.

7. If the Property has been destroyed or severely damaged by accidental or natural causes, that is, if the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or so damaged that restoration is not feasible, the Owner will notify the Local Historic Preservation Office in writing of the loss. The Local

Historic Preservation Office will evaluate the information provided and notify the Owner in writing of its determination regarding removal of the Property from eligibility for tax exemption. If the Local Historic Preservation Office determines that the property should be removed from eligibility for tax exemption, it will notify the Property Appraiser of the county in which the Property is located in writing so that the tax exemption can be cancelled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.

8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. The Owner shall have 30 days to respond indicating any extenuating circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such extenuating circumstances, he shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax

exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the Property Appraiser and Tax Collector who shall take action pursuant to s.196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s.212.12(3),F.S.

9. The terms of this Covenant shall be binding on the current Owner, transferees, and its successors, or assigns.

This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

OWNER:
ZOM OCEAN DRIVE, LTD., a Florida limited partnership
By: ZOM Development VIII, Ltd., a Florida limited partnership,
As its General Partner
By: ZOM Development, Inc., General Partner

By: _____ 2/13/07
Samuel G. Stephens, III Date
Executive Vice President

| Name | Signature | Date |
|---|---|---|

LOCAL GOVERNMENT: City of Miami Beach

| | | |
|---|---|---|
| Kathleen Kauffman<br>Local Official<br>Chief<br>Office of Historic &<br>Archaeological Resources | Kathleen Kauffman<br>Signature | 4/20/09<br>Date |
| George M. Burgess<br>County Manager | Signature | Date |

MIAMI-DADE

**MIAMI-DADE COUNTY**
**HISTORIC PRESERVATION BOARD**
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
SUITE 695
MIAMI, FLORIDA 33128
305-375-4958
Facsimile 305- 372-6394

CFN 2007R0060932
OR Bk 25288 Pgs 2173 - 2175; (3pgs)
RECORDED 01/18/2007 16:10:05
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

## MIAMI-DADE HISTORIC PRESERVATION BOARD

## RESOLUTION NO. ~~2007-01~~

## VICTOR HOTEL
## 1126-1144 OCEAN DRIVE
## MIAMI BEACH ARCHITECTURAL DISTRICT
## A NATIONAL REGISTER HISTORIC DISTRICT

**WHEREAS,** the Miami-Dade Historic Preservation Board has determined that the property located at 1126-1144 Ocean Drive, Miami Beach, Florida, is of architectural and historic significance and a contributing structure within a National Register-designated historic district; and,

**WHEREAS,** the improvements to this property have generally met the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of this Board; and,

**WHEREAS**, the property is located at:

Legal Description: OCEAN BEACH ADDN #2, PB 2-56, LOTS 1,2,3 & 4, BLK 16

Folio Numbers: 02-3234-008-0280; 02-3234-008-0290; 02-3234-008-0300

**NOW, THEREFORE, BE IT RESOLVED,** that the Historic Preservation Board on January 17, 2007, voted to approve the Ad Valorem Tax Exemption for 1126-1144 Ocean Drive, Miami Beach, Florida and, therefore, recommends to the Board of County Commissioners of Miami-Dade County, Florida, that the property receive the tax exemption for historic properties for the County's portion of the millage pursuant to 16A-18 Miami-Dade County Code. This recommendation is conditioned upon:

1. The completed rehabilitation project is reviewed and approved by the municipal Historic Preservation Officer and is in accordance with the documents and plans presented to and approved by this Board.

MIAMI-DADE

**MIAMI-DADE COUNTY**
**HISTORIC PRESERVATION BOARD**
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305-375-4958
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2. The filing of an appropriate covenant approved by the County Attorney.

   The Historic Preservation Board recommends that this tax exemption be in effect beginning January 1 after the City of Miami Beach Historic Preservation Officer certifies to the Miami-Dade County Property Appraiser that the rehabilitation is complete and in accordance with the plans approved by this Board.

3. The rehabilitation project is reviewed and evaluated by the county Property Appraiser with the completion of a "Historic Preservation Tax Assessment / Revenue Implications" report.

Alberta W. Godfrey
Alberta Godfrey, Chair
Miami-Dade County Historic Preservation Board

1-17-07
Date

Prepared by:

Ivan Rodriguez, Director
Office of Historic Preservation

MIAMI-DADE

**MIAMI-DADE COUNTY**
**HISTORIC PRESERVATION BOARD**
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
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MIAMI, FLORIDA 33128
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**Resolution No.** 2007-01
**Page 3 of 3**

| Board Members | Vote |
|---|---|
| Ruth Campbell | yes |
| Adriana Cantillo | yes |
| Richard Cohen | yes |
| Paul George | yes |
| Alberta Godfrey, Chair | yes |
| Armando Gutierrez, Jr. | yes |
| Hyacinth Johnson | yes |
| Robert McKinney | yes |
| JoEllen Phillips | absent |
| Enid Pinkney | yes |

**STATE OF FLORIDA**
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this Jan. 17, 2007 by, Alberta Godfrey, Chair, Miami-Dade County Historic Preservation Board.

Notary Public

David J Hertzberg
My Commission DD267682
Expires January 09, 2008

Personally Known Yes
OR Produced Identification N/A Type of Identification Produced N/A.