Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

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

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

From: George M. Burgess
County Manager

Subject: Historic Preservation Ad Valorem Tax Exemption for
The Crown Hotel, 4041 Collins Avenue, Miami Beach, Florida

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 4041 Collins Avenue, 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 $34,736 (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 Crown Hotel located at 4041 Collins Avenue, Miami Beach, includes two buildings. One dates to 1940 and the other to 1955. The original 1940 structure is a 14-story building (plus two-story penthouse) that was historically known as the 'Hotel Tarleton.' The building is considered an "excellent example of Art Deco style as applied to larger scale resort type constructions." Architect V.H. Nellenbogen designed the Tarleton. In 1955, a nine-story addition to the south of the 1940 tower was built. Melvin Grossman designed the addition in the Post War Modern style. Together, the structures compose an important block along Collins Avenue and were included within the Collins Avenue Historic District as historically contributing buildings.

The project involved the following items: removal of a portion of the 1955 addition to reintroduce and partially reconstruct the original front entrance to the 1940 tower (including reopening the original entrance and surrounding windows, reconstruction work and reintroduction of entrance terrace, steps and terrazzo; replacement of the existing windows and doors within the 1940 and '55 buildings to their original conditions; retention and repair to masonry elements such as decorative moldings on the parapet roof walls; retention and repairs to the radio-inspired antenna on top of the 1940 tower; restoration and repairs to the original main and upper level lobbies; reconstruction of the original lobby grand staircase and bar; complete rehabilitation of interiors to accommodate new apartment units; construction of a new 11-story tower addition to the rear of the historic buildings which connects to the 1955 building addition; construction of a new parking level with pool patio above at the rear of the property; relocation of a historic 1931 single-family residence from its original location across the street to a new location within the hotel grounds to allow for guest parking across the street; rehabilitation and restoration work to the relocated historic structure for reuse as fitness center for the hotel.

Submittal Dates

Part I of the Application was initially submitted to county preservation staff in 2006, with missing elements submitted in 2008. The project was approved by the County's Historic Preservation Board in 2008. The owner submitted a signed covenant in 2009 and the Property Appraiser's office considered the project substantially complete and submitted a Revenue Implications report in January 2010.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 4, 2010

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

SUBJECT: Agenda Item No. 8(N)(1)(C)

Please note any items checked.

_____ "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

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

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

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

5-4-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO THE CROWN HOTEL, 4041 COLLINS AVENUE, 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, the Crown Hotel, 4041 Collins Avenue, Miami Beach, Florida is a contributing historic property within the "Collins Avenue Historic District" designated by Miami Beach; and

WHEREAS, the Miami-Dade County Historic Preservation Board recommended that the exemption be allowed and certified to the Board of County Commissioners that 4041 Collins Avenue, Miami Beach, Florida is a contributing property with the City of Miami Beach's "Collins Avenue Historic District" 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 the Crown at Miami Beach, Ltd. as the owners of 4041 Collins Avenue, Florida. The owner 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 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 4th day of May, 2010. 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.

Thomas W. Logue

HISTORIC PRESERVATION EXEMPTION
PROPERTY TAX ASSESSMENTS / REVENUE IMPLICATIONS

Property Address: 4041 COLLINS AVE
Folio # 02-3226-001-1920

			2008 Estimate
1.	Total Value of the Property		$20,830,000
2.	Value of the Improvements to the Property (The change in value due to the renovation as determined by the Property Appraiser):		$7,585,000
3.	Summary of annual taxes levied on these improvements (Taxes = value change x 2007 millage):		$153,024
	a) Countywide Operating	$34,736	
	b) Unincorporated Municipal Service Area	$0	
	c) Debt Service	$2,162	
	d) City Operating	$42,897	
	e) All other property taxes	$73,229	
		$153,024	Total taxes

County Revenue Implications

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

a)	County	$34,736
b)	UMSA	$0

Date: 12/28/09 Signed: _____
Property Appraiser

RECEIVED
JAN 04 2010
Miami Dade County
Office of Historic Preservation

7

MIAMI-DADE COUNTY

RECEIVED
APR 15 2009
Miami Dade County
Office of Historic Preservation

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 1 day of June, 2008, by Crown at Miami Beach Ltd. (hereinafter referred to as the Owner) and in favor of MIAMI-DADE COUNTY (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation or rehabilitation, of a certain Property located at 4041 Collins Avenue Miami Beach FL

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 ____architecture, ____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): OR 22229-3878 folio 02-3226-001-1920

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 Property owner, transferees, and their heirs, successors, or assigns.

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

OWNER(S):

Crown at Miami Beach, Ltd.
By: Crown at Miami Beach, Inc.
By: Howard Cohen, President

Name | Signature | 6-1-08 Date

Name	Signature	Date

LOCAL GOVERNMENT: City of Miami Beach

Kathleen Kauffman Local Official Chief Office of Historic & Archaeological Resources	Kathleen Kauffman Signature	2.1.10 Date
George M. Burgess 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 2008R0879730
OR Bk 26628 Pgs 4374 - 4377; (4p
RECORDED 10/29/2008 10:32:33
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE HISTORIC PRESERVATION BOARD

RESOLUTION NO. 2008-19

THE CROWN HOTEL, 4041 COLLINS AVENUE, CITY OF MIAMI BEACH A HISTORICALLY CONTRIBUTING STRUCTURE WITHIN "COLLINS WATERFRONT HISTORIC DISTRICT"

WHEREAS, the Miami-Dade Historic Preservation Board has determined that the property located at 4041 Collins Avenue, Miami Beach, Florida, is of architectural and historic significance and is a historically contributing property within the "Collins Avenue 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: LOTS 1-8, AND ALLEY, BLOCK 33, MIAMI BEACH IMPROVEMENT COMPANY SUBDIVISION, P.B. 5-8,

Folio Number: 02-3226-001-1920

NOW, THEREFORE, BE IT RESOLVED, that the Historic Preservation Board on October 15, 2008, voted to approve the Ad Valorem Tax Exemption for 4041 Collins Avenue, 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:

CIRCUIT AND COUNTY COURTS
CLERK
IN GOD WE TRUST
MIAMI-DADE COUNTY, FLORIDA

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

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.
2. The filing of an appropriate covenant approved by the County Attorney.
3. The Historic Preservation Board recommends that this tax exemption be in effect beginning January 1 after the City of Miami Beach's 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.
4. The rehabilitation project is reviewed and evaluated by the county Property Appraiser with the completion of a "Historic Preservation Tax Assessment / Revenue Implications" report.
5. The railings located on the recreated original staircase within the lobby shall be replaced with railings more consistent with the original period of construction.
6. The Generator Intake located at the north side of the of the structure which cuts through an original masonry feature, an undesirable historic preservation issue, shall be modified or improved to follow the directives of the City of Miami Beach's Historic Preservation Officer.
7. The relocated former single family historic structure now located at the northeast end of the property shall:
   a) Include a more historically appropriate front entrance door facing 41st Street.
   b) The window tint applied to the structure shall be removed in order that the windows better reflect their original (clear glass) historic appearance.
   c) The ficus hedge located at the north perimeter of the structure be removed; a metal picket fence and gate aligned with the front entrance of the structure shall be installed and, landscaping on the street fronting side of the structure shall be subject to review and approval by the local Historic Preservation Officer.

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

Resolution No. 2008-19

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

10/15/08
Date

Prepared by:

Kathleen Kauffman
Kathleen Kauffman, Chief
Office of Historic and Archaeological Resources

10/15/08
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

Resolution No. 2008-19

Board Members	Vote
Ruth Campbell	yes
Adriana Y. Cantillo	yes
Roger M. Carlton	absent
Richard Cohen	yes
Paul George	yes
Alberta Godfrey, Chair	yes
Hyacinth O. Johnson	yes
Robert McKinney	yes
Mitch Novick	yes
JoEllen Phillips	absent
Enid Pinkney	no vote (stepped out)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 15th of Oct., 2008 by, Alberta Godfrey, Chair, Miami-Dade County Historic Preservation Board.

Dianne Hough
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
DIANNE HOUGH
MY COMMISSION # DD 594191
EXPIRES: December 6, 2010
Bonded Thru Budget Notary Services

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

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on 29 day of Oct A.D. 20 02
WITNESS my hand and Official Seal,
HARVEY RUVIN, CLERK of Circuit and County Courts
By ____ D.C.

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST DADE COUNTY, FLORIDA