

Memorandum



Date: May 19, 2020

Agenda Item No. 8(O)(2)

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Refund of Water and Sewer Connection Charges for SB HYDE LLC.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the Miami-Dade Water and Sewer Department (WASD) to refund a payment of water and sewer connection charges in the amount of \$19,787.26 to SB HYDE, LLC, “Hyde Midtown Starbucks,” an existing retail space converted to a 2,988 square foot fast food restaurant located within the North Central Dade Enterprise Zone. Pursuant to Section 2-348 of the Miami-Dade County Code, SB HYDE, LLC is entitled to a refund of the water and sewer connection charges because it: (1) renovated property located within a designated enterprise zone, as defined by Section 290.004, Florida Statutes, (2) met the requirement to employ a certain percentage of residents who reside in the enterprise zone, and (3) was deemed to have received a property tax abatement exemption by the Department of Regulatory and Economic Resources.

Scope of Agenda Item

SB HYDE, LLC, “Hyde Midtown Starbucks,” is located at 3401 NE 1st Ave, CU-5, Unit J, Miami, Florida 33127, which is within the County’s North Central Dade Enterprise Zone. The property is located in District 3, which is represented by Commissioner Audrey M. Edmonson.

Fiscal Impact/Funding Source

Upon Board approval of this item, there will be a fiscal impact to the County in the amount of \$19,787.26, which is the refund amount due to SB HYDE, LLC for water and sewer connection charges resulting from enhancements made to an existing facility in an enterprise zone. The funding source for the refund is WASD Plant Expansion Funds.

Track Record/ Monitor

WASD’s Chief Financial Officer, Frances Morris, will oversee the refund process to SB HYDE, LLC.

Background

SB HYDE, LLC, “Hyde Midtown Starbucks,” is an existing retail space that has been converted to 2,988 square feet of fast food restaurant. Seth Cohen, the business owner of SB HYDE, LLC, applied for a property tax abatement exemption of water and sewer connection charges (attached hereto as Exhibit A) after the improvements were completed.

As a condition to the continued rendition of increased water and sewer service, WASD imposed water and sewer connection charges in the amount of \$19,787.26 for additional gallonage for the fast food

restaurant facility. The connection charges were collected with the understanding that should the business meet the requirements delineated in Section 2-348 of the Code of Miami-Dade County, which provides for refunds of payment for water and sewer connection charges, the County would refund the payment made for the water and sewer connection charges.

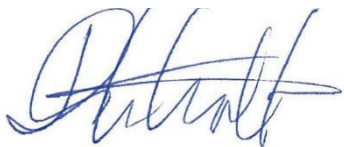
Section 2-348 of the Code of Miami-Dade County provides that commercial or industrial real property development within enterprise zones, for which new or increased water or sewer service is required, is eligible for waiver of payment of water and sewer connection charges upon approval of the Board of County Commissioners (Board), subject to the following requirements:

1. The development is consistent with Miami-Dade County Comprehensive Development Master Plan;
2. The development is located within an existing designated enterprise zone established pursuant to Florida Law;
3. The development has been deemed to have been granted an ad valorem tax exemption by Miami-Dade County; and
4. The development meets the requirement that 25 percent of the employees of the business located at the development reside within the enterprise zone.

The County's Department of Regulatory and Economic Resources reviewed the application sent by Seth Cohen and issued a response (attached hereto as Exhibit B) confirming that the improvements made to SB HYDE, LLC met the County's criteria specified in section 2-348 of the Miami-Dade County Code. Seth Cohen was advised that the renovations made qualified for a refund of the water and sewer connection charges. To qualify for the refund, SB HYDE, LLC must create five new jobs and maintain those jobs for five years. In addition, 25 percent of their employees must live within the Enterprise Zone to continue to meet the criteria for this program over the next five years, which condition must be verified on the Florida Department Employer's Quarterly Report. Pursuant to the employee's roster and as confirmed during the site visit, this project has 14 employees with 6 living within the Enterprise Zone.

WASD has processed the necessary documentation, including the Exemption Application Approval form that was executed by Seth Cohen, Manager of SB HYDE, LLC. The Director of Miami-Dade Water and

Sewer Department has approved the required documentation (attached as Exhibit C). A Covenant executed by Seth Cohen, as the business owner, and Suzanne M. Dewitt on behalf of Midtown 3 Retail B, LLC, the property owner, is attached hereto as Exhibit D.



Jack Osterholt
Deputy Mayor

Exhibit A



Department of Regulatory and Economic Resources (RER)



**MIAMI-DADE COUNTY ENTERPRISE ZONE 1301
LOCAL INCENTIVE APPLICATION**

Road Impact Fee Refund Water & Sewer Connection Fee Refund

Business Owner or Contact Person: CARMIN TILLI Tel. Number: 754-423-6283

Business Address: 3401 NE 1st AVENUE #J MIAMI FL 33137

Property Address If Different: _____

Date of Incorporation in Florida: 4/16/19 FEIN: 83-1057127

Description of Business: Retail Wholesale Service Office Industrial Other _____

Applying as a: New Business Expansion of an Existing Business

Date improvements to begin/completed at this location: January 2019 / May 2019

Describe the completed improvements to real property and community benefit.

STARBUCKS COFFEE SHOP

NEW BUSINESS

Total number of new employees: 14 Sq. ft. of Development 1,724

Number of new employees that are Enterprise Zone residents: 9

EXPANDING BUSINESS

Number of employees prior to expansion: _____ Sq. ft. of Expansion _____

Number of new employees: _____

Number of new employees that are Enterprise Zone residents: _____

Under penalty of perjury I affirm that I have reviewed this form including all applicable documentation, and to the best of my knowledge and belief, it is true, correct and complete. My signed declaration acknowledges liability for any inaccurate or untruthful information provided by the business or on the business's behalf.

*Power of Attorney is required for Preparers

Signed: [Signature]
(Business Owner)

Signed: _____
(Preparer)

Title: Managing Member

(Preparer's Address)

Date: 7/29/19

(Preparer's Phone Number)

Attachment A - Florida UCT-6 form Attachment C - Schedule of EZ Employees
 Attachment B - State Approved ID and Proof of Address for EZ Employees Attachment D - Power of Attorney N/A
Eligibility not official until all requested documentation is received and verified by RER

The Business herein meets () does not meet () the eligibility requirements of Section 29-83 and is deemed to have been granted the Ad Valorem Tax Exemption. The Business may apply for and be granted all local incentives upon meeting the respective incentive eligibility requirements. The business agrees to furnish all information Miami-Dade County and/or the governing authority or municipality may request in regard to the exemption requested herein. Non-compliance by the Business with any of the eligibility requirements of Section 29-87 of the Miami-Dade County Code will nullify the tax exemption status granted.

[Signature]
Enterprise Zone Administrator/ Date

Deputy Director, RER / Date



Carlos A. Gimenez, Mayor

Exhibit B

Department of Regulatory and Economic Resources
Planning Research and Economic Analysis Section
Stephen P. Clark Government Center
111 NW First Street • 12th Floor
Miami, Florida 33128
T (305)-375-2846

miamidade.gov

September 26, 2019

SB Hyde, LLC
C/O Seth Cohen
3401 NE 1st Ave
Miami, FL 33137

Dear Mr. Cohen:

RE: Water and Sewer Connection Fee Approval Letter – SB Hyde, LLC

This letter is to inform you that the project located at 3401 NE 1st Ave, Miami, FL 33127 has been deemed to have received a property tax abatement exemption and thereby qualifies for a refund of water sewer connections authorized under County Ordinance No. 13-51. A business (project) is deemed to have met the criteria for this program under the following conditions:

- It is a new or expanding business in the Enterprise Zone (EZ) – improvements must be verified by the Property Appraiser’s Office;
- It must have created five (5) new jobs and maintain those jobs for five (5) years;
- Twenty-five (25) percent of all employees must live in the Enterprise Zone, approval from the Board of County Commissioners and municipality approval (if applicable) must be received to qualify for the refund of water/sewer connection fees.

Twenty (25) percent of EZ employees must be maintained for five (5) years and verified on the Florida Department of Revenue Employer’s Quarterly Report (RT6). Employees hired by a tenant are acceptable. However, the applicant will be responsible for ensuring that the jobs have been created and maintained. In the event the jobs are not maintained, the refund and statutory interest must be paid to the County or a lien will be placed on the property. The landowner must execute the lien as a condition of the reimbursement.

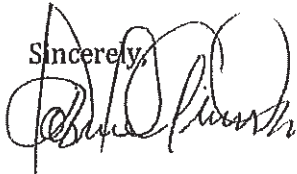
Every year on the anniversary date of this letter, (for the next four (4) years), the RT6 form and an employee roster certifying that the jobs have been created/maintained, must be submitted to this office. Failure to submit these required documents constitutes failure to comply with the term and conditions program. A representative of the Planning Research and Economic Analysis Section of the Department of Regulatory and Economic Resources will be conducting yearly site visits to monitor compliance with the employment requirement.

Pursuant to the employee roster and confirmed during the site visit, this project has 14 employees with 6 or 42.86% living in the enterprise zone.

To continue with the refund process, please contact Sandra Alvarez, New Business Manager, in the Water and Sewer Department at (786) 268-5148

Believing Excellence Every Day

Sincerely,



Manuel A. Armada
Chief Planning Research and Economic Analysis Section
Department of Regulatory and Economic Resources

C: Sandra Alvarez, New Business Manager
Miami-Dade County Water and Sewer Department

Exhibit C

APPLICATION AND APPROVAL FORM FOR WATER AND SEWER CONNECTION CHARGE EXEMPTION Ordinance No. 92-08

Applicant: SB HYDE, LLC
SETH COHEN
3470 EAST COAST AVENUE, SUITE PH 106
MIAMI, FL 33127

Description of Proposed Development: "Hyde Midtown Starbucks" an existing retail converted to 2,988 square feet of fast food restaurant facility; total of 1,762 Gallons Per Day Increase.

Taxpayer ID: 83-1057127

Enterprises Zone: 1301

Folio Number: 01-3125-088-4650

Site Address: 3401 NE 1st Ave CU-5, Unit J, Miami, FL 33137

Legal Description: See Attached

Pursuant to Section 2-348 of the Code Miami-Dade County, the undersigned Applicant does hereby apply for exemption of the above described commercial of industrial real property development from payment of water and sewer connection charges, including special sewer connection charges, in accordance with the exemption provisions of Section 2-348 of the Code of Miami-Dade County.

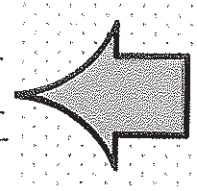
TOTAL EXEMPTION AMOUNT CLAIMED BY APPLICANT: \$19,787.26

TOTAL EXEMPTION AMOUNT APPROVED BY DIRECTOR: \$19,787.26

The Applicant hereby certifies that all information provided on this form and any attachments are true and correct to the best of its/his/her knowledge and belief.

Date:

BY: *[Signature]*
PRINT NAME: Seth Cohen
TITLE: authorized signatory



**SIGN
HERE**

The undersigned does hereby recommend approval of the application for exemption subject to Applicant's compliance with all requirements set forth in Section 2-348 of the Code of Miami-Dade County.

Date:

MIAMI-DADE WATER AND SEWER DEPARTMENT

BY: *[Signature]*
Kevin Lynskey, Director

EXHIBIT "A" LEGAL DESCRIPTION OF PROPERTY "FUN DIMENSION"

CONDOMINIUM PARCEL NO CU-5 IN 3401 MIDTOWN CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF RECORDED NOVEMBER 12, 2014 IN OFFICIAL RECORDS BOOK 29386, PAGE 3772, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



Invoice

Water & Sewer Department
New Business Office
P.O. Box 330316
Miami, FL 33233-0316

Invoice Number N00055152
Customer Number 00004885
Invoice Date November 7, 2018
Business Process Number (X) M2019000151
Total Amount Due **\$20,027.26**

HYDE MIDTOWN
3401 NE 1ST AVE
MIAMI FL 33137

Note:

W&S CC'S, VF FEE, WTR ALLOC, BISCAYNE BASIN FOR NEW FAST FOOD RESTAURANT 1,800 SF WITH OUTDOOR SEATING 1,188 SF TOTAL 2,988 SF REPLACING RETAIL AT 3401 NE 1 AVENUE STE#J FOLIO# 01-3125-088-0001 #M2019000151

ER Water
ER Sewer
Agreement ID

Description	JO/Agmt	Qty	UOM	Unit Price	Charge Amt	Interest	Line Total
VF Non-Res Existing Wtr		1	EA	75.00	75.00	0.00	75.00
VF Non-Res Existing Swr		1	EA	75.00	75.00	0.00	75.00
Water Alloc Cert Initial		1	EA	90.00	90.00	0.00	90.00
CC WASD Water		1,762	GPD	1.39	2,449.18	0.00	2,449.18
CC WASD Sewer		1,762	GPD	5.60	9,867.20	0.00	9,867.20
CC Bisc Basin Spcl Sewer		1,762	GPD	4.24	7,470.88	0.00	7,470.88
Total Standard Charges							\$20,027.26

Total Invoice

\$20,027.26

*\$240.00 (non refundable)
R.C.
\$19,787.26*

Printed on 11/7/2018 by YMARTELL at WESTOFFICE

To pay online go to: <http://www.miamidade.gov/water/construction-development-payments.asp>

Payment must be made within 72 hours of receipt of invoice.

Refunds are based on the date of payment and subject to State Statute 95-11. Some fees are not refundable.

This is a "printer friendly" page. Please use the "print" option in your browser to print this screen.



Miami-Dade Water & Sewer Department

New Business or Job Orders Web Payments

To print this page press CTRL + P or right click on your mouse and select Print from the menu.

Confirmation Number:	311720026019736
Payment Date:	Wednesday, November 7, 2018
Payment Time:	05:58PM ET

Payer Information

Name:	seth cohen
Street Address:	3470 east coast avenue ph106 miami, FL 33137 United States
Daytime Phone Number:	(917) 903 - 3798
E-mail Address:	scohen@transglobalcap.com
Invoice #:	N00055152
Customer #:	00004885
Name:	HYDE MIDTOWN
Invoice Amount:	\$20,027.26

Card Information

Card Type:	Visa
Card Number:	*****6851
Card Verification Number:	****

Payment Information

Payment Type:	New Business or Job Orders Web Payments
Payment Amount:	\$20,027.26
Convenience Fee:	\$400.55
Total Payment:	\$20,427.81

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Payment Verification

Confirmation Number: 311720026019736
Payment Date: Wednesday, November 7, 2018
Payment Time: 02:56PM PT

Payer Information

First Name: seth
 Last Name: cohen
 Street Address: 3470 east coast avenue
 ph106
 Town/City: miami
 State: FL
 Zip Code: 33137
 Country: United States
 Daytime Phone Number: 917-903-3798
 E-mail Address: scohen@transglobalcap.com
 Invoice #: N00055152
 Customer #: 00004885
 Name: HYDE MIDTOWN
 Workstation: WEB
 Location: 0
 Invoice Amount: 20027.26

Payment Option

Payment Option: Visa
 Card Number: ****_****_****-6851

Payment Information

Payment Entity: Miami-Dade Water & Sewer Department
 Payment Type: New Business or Job Orders Web Payments
 Payment Amount: \$20,027.26
 Convenience Fee: \$400.55
 Total Payment: \$20,427.81



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HYDE MIDTOWN STARBUCKS

This instrument was prepared by:
Name: Raymond Chirino.
Address: WASD New Business
3575 S. LeJeune Road
Miami, FL 33146

I.D. # 30458

(reserved for Clerk of Court)

COVENANT RUNNING WITH THE LAND
FOR EXEMPTION AND REFUND OF WATER AND SEWER CONNECTION CHARGES

This Covenant is made and enter into this 21st day of January, 2020 by SB Hyde, LLC, a Florida limited liability company ("Applicant") and Midtown 3 Retail B, LLC, a Delaware limited liability company ("Property Owner"), whose address is 3301 NE 1st Ave, Suite PH 109, Miami, FL 33137.

WHEREAS, the Board of County Commissioners of Miami-Dade County has adopted the Miami-Dade County water and sewer connection charge requirements in Chapter 32 of the Code of Miami-Dade County, Florida and Miami-Dade County Implementing Order 10-8; and

WHEREAS, Sections 2-348.1 and 2-348.2 of the Code of Miami-Dade County provide for the exemption and refund of water and sewer connection charges for any commercial or industrial development located within an existing designated enterprise zone, as defined in Section 290.004, Florida Statutes, that meets certain requirements; and

WHEREAS, if the commercial or industrial development applies for the water and sewer connection charge refund and meets the requirements set forth in Section 2-348.1 of the Miami-Dade County Code, the Miami-Dade County Board of County Commissioners will determine whether the refund will be granted to the applicant; and

WHEREAS, the Miami-Dade County Department of Regulatory and Economic Resources, through its Director, is given authority to receive applications and verify compliance with the requirements for a refund of water and sewer connection charges, including, among other things, satisfying the employment requirements set forth in Section 2-348.1(c) and the terms of this Covenant; and

WHEREAS, the Miami-Dade County Water and Sewer Department operates the water and sewer systems owned by the County, and is authorized to enforce collection of water and sewer connection charges; and

WHEREAS, the applicant is the owner of SB Hyde, LLC ("the business") and has agreed that the business will create and maintain a workforce as required according to Chapter 29 of the Code of Miami-Dade County, Section 2-348.1 of the Code of Miami-Dade County, the ordinances and terms stated herein; and

WHEREAS, Applicant's business is located at: 3401 NE 1st Ave, CU-3, Suite J, Miami, FL 33137 (the "Property"); and

6
\$ 52.50

HYDE MIDTOWN STARBUCKS

WHEREAS, the applicant paid water and sewer connection charges, including special sewer connection charges, in the amount of \$19,787.26, per Invoice #N00055152, for the business located at the property

WHEREAS, the property Owner is the fee simple owner of the Property, legally described in Exhibit "A" attached here to, which is leased to the applicant; and

WHEREAS, the Applicant and property owner are submitting this Covenant to induce the Board of County Commissioners to grant a refund of the aforesaid water and sewer connection charges to the applicant, excluding any administrative charges that may apply,

NOW THEREFORE, in consideration of the covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant, its successors and assigns, do hereby covenant and agree as follows:

1. General

- A. That the Business will comply with the employment requirements for businesses in enterprise zones that receive refunds for impact fees in Chapter 29 of the Code of Miami-Dade County and with the requirements of Section 2-348.1 of the Code of Miami-Dade County. Each year, for a period of five (5) years hereafter, the Business shall submit to the Director of the Miami-Dade County Department of Regulatory and Economic Resources (or its successor department) a report that will verify the Business' compliance with the requirements of Section 2-348.1 of the Code of Miami-Dade County. Said report, which shall be in a format as prescribed by the Miami-Dade County Department of Regulatory and Economic Resources, shall be submitted no later than thirty (30) days following the Effective Date (month and day) of the Resolution approving the refund of the water and sewer connection charges to the Applicant by the Board of County Commissioners, and every year thereafter on that month and day for the next five (5) years; and
- B. If, at any time within five (5) years from the date of this Covenant, the Business no longer meets the eligibility requirements of Section 2-348.1 of the Code of Miami-Dade County, or if the Business fails to timely provide the annual compliance report as required in Section 1-A of this Covenant, the water and sewer connection charges (at the rate in effect at the time the Business fails to comply with this Covenant) will become due and payable by the owner of the Business. In accordance with the notice provision below, Miami-Dade County will provide a notice of non-compliance to the Business and/or Applicant that the Covenant has been breached and the connection charges are due within thirty (30) days. If the Covenant is breached and the connection charges become due, the Applicant and the Business will not be eligible to reapply for an exemption and refund of water and sewer connection charges again for the development at the Property.
- C. Miami-Dade County shall be authorized to lien the Property herein described and to pursue collection of water and sewer connection charges in accordance with the County's procedures for collecting unpaid or insufficient water and sewer connection charges. If the water and sewer connection charges are not repaid within thirty (30) days from notice of non-compliance with this Covenant, Miami-Dade County reserves the right to remove the water meter at the Property and terminate service until such time as the connection charges have been paid in full or a payment arrangement has been entered into, if applicable.

HYDE MIDTOWN STARBUCKS

2. Termination

The Applicant, Business, the property owner, their successors, and their assigns shall have the right, upon written request delivered to the Miami-Dade County Regulatory and Economic Resources Department, to be released from the terms and conditions contained herein, upon tender to Miami-Dade County of the amount of the applicable water and sewer connection charges in effect at the time of the requested release, payable in accordance with the provisions of the Ordinances.

3. Covenant Running with the Land

This Covenant shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This Covenant shall remain in full force and effect and be binding upon Applicant and its successors and assigns until it is modified or released by Miami-Dade County.

4. Governing Law

This Covenant shall be governed by and construed in accordance with the laws of the State of Florida.

5. Notice

Any notice required to be given herein shall be given by personal delivery or by certified U.S. mail at the address specified below or at such other address as may be specified in writing by the parties.

Department	Applicant
Department of Regulatory and Economic Resources	SB Hyde, LLC
Stephen P. Clark Center 111 NW 1 Street, Suite 1210 Miami, Florida 33128	3470 East Coast Avenue, Suite PH 106 Miami, FL 33127
ATTN.: Director	ATTN: Seth Cohen

DEPARTMENT	PROPERTY OWNER
Water and Sewer Department	Midtown 3 Retail B, LLC
New Business Section 3575 S. Lejeune Road Miami, Florida 33146	3301 NE 1 st Ave, Suite PH 109, Miami, FL 33137
ATTN: Manager, New Business	ATTN: Suzanne Dewitt

6. Severability

If any provision of this Covenant shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

HYDE MIDTOWN STARBUCKS

IN WITNESS WHEREOF, the parties hereto have caused this Covenant to be executed by their respective officials as of the day and year above written.

Witnesses:

[Signature]
Signature

Jon Samuel
Print Name

[Signature]
Signature

Abygail Sanchez
Print Name

SB HYDE, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: S&J COFFEE LLC, A FLORIDA LIMITED LIABILITY COMPANY

By: TRANS GLOBAL CAPITAL, LLC, A NEW YORK LIMITED LIABILITY COMPANY

By: [Signature]

Name: Seth Cohen

Title: authorized signatory

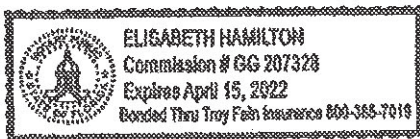
Address: 3470 East Coast Ave, PH106
Miami, FL 33127

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Seth Cohen Authorized signatory as S&J Coffee LLC of [Owner]. He/She is personally known me or has produced _____ as identification.

Witness my signature and official seal this 17 day of December 2019, in the County and State aforesaid.

(SEAL)



[Signature]
Notary Public - State of Florida
Elisabeth Hamilton
Print Name

My Commission Expires: 4-15-22

HYDE MIDTOWN STARBUCKS

IN WITNESS WHEREOF, the parties hereto have caused this Covenant to be executed by their respective officials as of the day and year above written.

Witnesses:

[Signature]
Signature

Jon Samuel
Print Name

[Signature]
Signature

Abigail Sanchez
Print Name

SB HYDE, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: S&J COFFEE LLC, A FLORIDA LIMITED LIABILITY COMPANY

By: TRANS GLOBAL CAPITAL, LLC, A NEW YORK LIMITED LIABILITY COMPANY

By: [Signature]

Name: Seth Cohen

Title: authorized signatory

Address: 3470 East Coast Ave, PH106
Miami, FL 33137

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Seth Cohen
Seth Jon Samuel Authorized as signature of [Owner]. He/She is personally known me or has produced as identification.

Witness my signature and official seal this 17 day of December 2019, in the County and State aforesaid.

(SEAL)



[Signature]
Notary Public-State of Florida
Elisabeth Hamilton
Print Name

My Commission Expires: 4.15.22

[Handwritten mark]

HYDE MIDTOWN STARBUCKS

IN WITNESS WHEREOF, the parties hereto have caused this Covenant to be executed by their respective officials as of the day and year above written

Witnesses:

Signature [Handwritten Signature]

Print Name Rene Altamirano

Signature [Handwritten Signature]

Print Name Irela Jaen

MIDTOWN 3 RETAIL B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

By: [Handwritten Signature]
Name: Suzanne M. DeWitt
Title: Manager

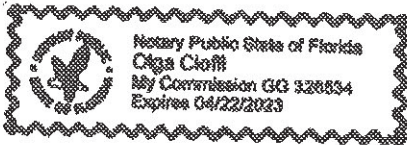
Address: 600 Brickell Ave. Ste 2500
Miami, Florida 33131

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Suzanne M. DeWitt as Manager of Midtown 3 Retail B, LLC or owner. He/She is personally known me or has produced as identification.

Witness my signature and official seal this 18 day of November 2019, in the County and State aforesaid.

(SEAL)



[Handwritten Signature]
Notary Public - State of Florida
[Handwritten Signature]
Print Name

My Commission Expires: 4-22-2023

Approved for Legal Sufficiency:

[Handwritten Signature] 11/16/20
Assistant County Attorney

[Handwritten Signature]
Sandra P. Alvarez, New Business Manager
For: Kevin Lynskey, Director
Miami-Dade Water and Sewer Department

[Handwritten Signature]

HYDE MIDTOWN STARBUCKS

IN WITNESS WHEREOF, the parties hereto have caused this Covenant to be executed by their respective officials as of the day and year above written

Witnesses:

[Signature]
Signature

Print Name Rene Altamirano

[Signature]
Signature

Print Name Irela Jaen

MIDTOWN 3 RETAIL B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

By: [Signature]
Name: Suzanne M. Delwitt
Title: Manager

Address: 600 Brickell Ave. Ste. 2500
Miami, Florida 33131

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Suzanne M. Delwitt as manager of Midtown 3 Retail B, LLC of [Owner]. He/She is personally known me or has produced as identification.

Witness my signature and official seal this 18 day of November 2019, in the County and State aforesaid.

(SEAL)



[Signature]
Notary Public - State of Florida
[Signature]
Print Name

My Commission Expires: 4-22-2023

Approved for Legal Sufficiency:

Sandra P. Alvarez 11/16/20
Assistant County Attorney

[Signature]
Sandra P. Alvarez, New Business Manager
For: Kevin Lynskey, Director
Miami-Dade Water and Sewer Department

[Signature]

HYDE MIDTOWN STARBUCKS

**EXHIBIT "A" OF COVENANT
BETWEEN
MIAMI-DADE COUNTY
AND
SB HYDE, LLC
AND
MIDTOWN 3 RETAIL, LLC**

**CONDOMINIUM PARCEL NO CU-5 IN 3401 MIDTOWN CONDOMINIUM,
ACCORDING TO THE DECLARATION THEREOF RECORDED NOVEMBER 12,
2014 IN OFFICIAL RECORDS BOOK 29386, PAGE 3772, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA**



Miami
FL

ADOPTED
May 23, 2019 9:00 AM

Ordinance
13841

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 56, ARTICLE V/SECTION 56-113 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "TAXATION/AD VALOREM TAX EXEMPTION FOR ENTERPRISE ZONE BUSINESSES/ELIGIBILITY REQUIREMENTS," BY AMENDING THE ADMINISTRATIVE PROVISIONS OF THE AD VALOREM TAX EXEMPTION PROGRAM, TO SET FORTH THE CIRCUMSTANCES IN WHICH A BUSINESS SITED IN AN EXISTING ENTERPRISE ZONE IS DEEMED TO HAVE BEEN GRANTED THE CITY OF MIAMI'S CURRENTLY EXISTING AD VALOREM TAX EXEMPTION, FOR THE SOLE PURPOSE OF QUALIFYING FOR MIAMI-DADE COUNTY'S ENTERPRISE ZONE EXEMPTION FOR WATER AND SEWER CONNECTION CHARGES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Information

Department:	Commissioners and Mayor	Sponsors:	Commissioner, District Two Ken Russell, Commissioner, District Five Keon Hardemon
Category:	Elected Official Item		

Attachments

Agenda Summary and Legislation

Financial Impact

N/A

Body/Legislation

WHEREAS, Sections 290.001 – 290.016, Florida Statutes, known as the "Florida Enterprise Zone Act," allowed local governments to provide economic incentives and regulatory relief for areas deemed as Enterprise Zones, including impact fee reductions, abatements, and ad valorem tax exemptions; and

WHEREAS, the City of Miami ("City") offered such an exemption in the past for ad valorem taxes only; and

WHEREAS, in 2017, with the adoption of Chapter 2017-36, Laws of Florida, the Legislature repealed the "Florida Enterprise Zone Act" but provided for the preservation of existing Enterprise Zones "for the purpose of allowing local governments to administer local incentive programs within these boundaries through December 31, 2020 . . ."; and

WHEREAS, Miami-Dade County currently offers Enterprise Zone incentives, including exemptions from Water and Sewer Department ("WASD") connections for new and expanding businesses within Enterprise Zones ("WASD Incentive"); and

WHEREAS, the WASD Incentive, as described in Sections 2-348 and 2-348.1 of the Code of Miami-Dade County, Florida, as amended, requires that a business in an Enterprise Zone within a municipality seeking said WASD Incentive must also have received an ad valorem tax exemption from the municipality; and

WHEREAS, the City Commission, in order to promote economic development in its current Enterprise Zones,

wishes to amend the administrative procedures in its incentive program, to allow new and expanding businesses in its Enterprise Zones to qualify for the WASD Incentive; and

WHEREAS, it is not the City Commission's intention to expand, reduce, or otherwise modify the substance or applicability of its presently existing ad valorem incentive;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 56, Article V of the Code of the City of Miami, Florida, as amended, is amended in the following particulars:[1]

"CHAPTER 56

TAXATION

* * * *

ARTICLE V. AD VALOREM TAX EXEMPTION FOR ENTERPRISE ZONE BUSINESSES

* * * *

Sec. 56-113. – Eligibility requirements.

- (a) To be eligible for an ad valorem tax exemption a new business or expanding business must increase, or caused to be increased, the employment roll at the location receiving the exemption, by five or more full time jobs, on the year for which the exemption is desired to take effect.
- (b) It shall be a condition precedent to the granting of each annual renewal of the exemption that the applicable job creation requirement be maintained throughout the entire term of the exemption.
- (c) To be eligible for the exemption it is not required that the new business or expanding business be the fee simple owner of the property subject to the ad valorem tax, so long as the new business or expanding business is legally or contractually responsible for the payment of the ad valorem tax on the property nor is it necessary for the property owner to also own the new business or expanding business.
- (d) A new or expanding business that otherwise meets all other eligibility requirements of Sections 2-348 and 2-348.1 of the Miami-Dade County Code, as amended, shall be deemed to have received the ad valorem tax exemption authorized by this Article for the sole purpose of applying to receive Miami-Dade County's Water and Sewer Department water and sewer connection charge exemption, pursuant to Sections 2-348 and 2-348.1 of the Miami-Dade County Code, as amended. This is intended to satisfy the requirement of Section 2-348.1(b)(2) without requiring separate application by the new or expanding business to the City.

* * * **

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately upon its adoption.[2]

[1] Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

[2] This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

Meeting History

Apr 25, 2019 9:00 AM **City Commission** **Planning and Zoning**

 **Draft**

RESULT: **PASSED ON FIRST READING [UNANIMOUS]**
MOVER: Keon Hardemon, Commissioner, District Five
SECONDER: Manolo Reyes, Commissioner, District Four
AYES: Ken Russell, Wilfredo (Willy) Gort, Manolo Reyes, Keon Hardemon
ABSENT: Joe Carollo

Next: 5/23/2019 9:00 AM

May 23, 2019 9:00 AM **City Commission** **Planning and Zoning**

 **Draft**

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Keon Hardemon, Commissioner, District Five
SECONDER: Ken Russell, Commissioner, District Two
AYES: Ken Russell, Wilfredo (Willy) Gort, Keon Hardemon
ABSENT: Joe Carollo, Manolo Reyes

Select Language

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(O)(2)

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**
- Statement of social equity required**
- Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(O)(2)
5-19-20

RESOLUTION NO. _____

RESOLUTION AUTHORIZING REFUND OF PAYMENT OF WATER AND SEWER CONNECTION CHARGES IN THE AMOUNT OF \$19,787.26 PURSUANT TO SECTION 2-348 OF THE CODE OF MIAMI-DADE COUNTY TO SB HYDE, LLC LOCATED IN THE COUNTY'S NORTH CENTRAL ENTERPRISE ZONE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, pursuant to Section 2-348 of the Code of Miami-Dade County, this Board hereby approves a refund of the water and sewer connection charges in the amount of \$19,787.26 to SB HYDE, LLC, which is located at 3401 NE 1 Avenue, CU-5, Unit J, Miami, Florida, 33127, which is within the County's North Central Enterprise Zone.

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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Sarah E. Davis