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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2009

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 150 SE 3rd Avenue, Miami, Florida

Agenda Item No. 9(A)(11)

Resolution No. R-218-09

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 approve the resolution for the Ad Valorem Tax Exemption for the following property: 150 SE 3rd Avenue, Miami, Florida.

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 $23,751 (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 Pan American Bank of Miami Building, located at 150 S.E. 3rd Avenue, is a historically contributing building within the "Downtown Miami Historic District." The National Park Service approved in 2005 the Downtown Miami Historic District to the National Register. The building was designed in 1951 and exemplifies a fairly typical example of the post WW II Modern commercial buildings of the period. The building's design is understated and reflects an effort towards blending in with the existing downtown context.

The improvement project involved the complete rehabilitation of the five-story former office/commercial building with new residential units above the ground floor level. The stairs and elevator lobbies remain essentially the same and in their original locations. The original windows and exterior details were preserved, cleaned, repaired and painted. Interior finishes and materials, partitions, electrical, mechanical, etc. are all new. A new atrium was constructed through the five floors in order to bring natural light into interior facing apartments.

Submittal Dates

Part I of the Application was submitted to county preservation staff in December 2005, and the Part II was submitted in September 2006. The county Historic Preservation Board also reviewed the project in 2006 and then the Property Appraiser supplied the revenue implications worksheet in April 2007.

Attachments

Alex Muñoz, Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 9(A)(11)

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. 9(A)(11)
3-3-09

RESOLUTION NO. **R-218-09**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO THE PAN AMERICAN BANK OF MIAMI BUILDING, 150 S.E. 3rd AVENUE, MIAMI, 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, 150 S.E. 3rd Avenue, Miami, Florida is a contributing property within 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 150 S.E. 3rd Avenue, Miami, Florida is included within the Downtown Miami 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 150 Miami Associates, LLC, as the owner of 150 S.E. 3rd Avenue, Miami, 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 Manager 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 **Katy Sorenson**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** and upon being put to a vote, the vote was as follows:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas W. Logue

HISTORIC PRESERVATION AD VALOREM EXEMPTION
TAXABLE VALUE ASSESSMENT & REVENUE IMPLICATION ESTIMATE

Property Address: 150 SE 3 AVE
Folio # 01-0112-000-2020

			2007 Estimate
1.	Total Taxable value to be foregone if this Historic Preservation Exemption application is granted:		$4,230,000
2.	Summary of annual taxes levied for this property's improvements to be exempted for Historic Preservation (based on 2006 millage):		$108,475
	a) Countywide Operating	$23,751	
	b) Unincorporated Municipal Service Area	$0	
	c) Debt Service	$1,206	
	d) City Operating	$35,424	
	e) All other property taxes	$48,094	

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APR 1 2007
Miami Dade County
Office of Historic Preservation

County Revenue Implications

3.	Annual taxes to be foregone if this Historic Preservation Exemption application is granted (estimate).	
	a) County	$23,751
	b) UMSA	$0

County Current Year Taxable Values

4.	The total taxable value of all property within the county for the current fiscal year (2006 Preliminary Roll):	$212,656,281,938
5.	The total exempted value of all property within the county which has been approved to receive Historic Preservation Ad Valorem Exemption for the current fiscal year under FS196.1997.	$28,364,432

Date: 4-10-2007

Signed: _____
Property Appraiser

MIAMI-DADE COUNTY

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 30th day of December, 2005, by 150 Miami Associates, LLC (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 150 SE 3rd Avenue, Miami, FL. Folio #01-112-000-2020 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): 150 SE 3rd Avenue, Miami, FL., Folio #01-0112-000-2020 which provides a legal description.

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DEC 30 2005
Miami Dade County
Office of Historic Preservation

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):

Rothschild, Daniel		12/22/05
Name	Signature	Date

Name	Signature	Date

LOCAL GOVERNMENT: City of Miami

Kathleen Kauffman Local Official Chief Office of Historic & Archaeological Resources	Kathleen Kauffman Signature	10.31.05 Date
George M. Burgess County Manager	Signature	Date

CFN 2006R1024145
OR Bk 24939 Pgs 0475 - 477; (3pgs)
RECORDED 09/25/2006 09:27:53
HARVEY RUVIN, CLERK OF COURT
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

MIAMI-DADE HISTORIC PRESERVATION BOARD

RESOLUTION NO. 05-14

Pan American Bank Building
150 S. E. Third Avenue
Downtown Miami Historic District
National Register Historic District

WHEREAS, the Miami-Dade Historic Preservation Board has determined that the property located at 150 S.E. Third Avenue, Miami, Florida, is of architectural and historic significance and a contributing structure within the Downtown Miami Historic District a National Register 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: MIAMI NORTH, PB 25-75, E 125 FT OF THAT PART OF BLK 127N LYING W OF SE 3 AVENUE, LOT SIZE IRREGULAR COC 21589-2724 & 2728 08 2003 6

Folio Number: 01-0112-000-2020

NOW, THEREFORE, BE IT RESOLVED, that the Historic Preservation Board on September 20, 2006, voted to approve the Ad Valorem Tax Exemption for the Pan American Bank Building, 150 S.E. Third Avenue, Miami, 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:

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.

   The Historic Preservation Board recommends that this tax exemption be in effect beginning January 1 after the City of Miami 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

9-20-06
Date

Prepared by:

Ivan A. Rodriguez, Director
Office of Historic Preservation

MIAMI-DADE

MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
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Resolution No. 05-14
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Board Members	Vote
Ruth Campbell	yes
Adriana Cantillo	yes
Richard Cohen	absent
Lourdes de la Pena	absent
Paul George	yes
Alberta Godfrey, Chair	yes
Armando Gutierrez, Jr.	yes
Hyacinth Johnson	absent
Robert McKinney	yes
JoEllen Phillips	yes
Enid Pinkney	yes

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this Sept. 20, 2006 by, Alberta Godfrey, Chair, Miami-Dade County Historic Preservation Board.

David J. Hertzberg, Notary

NOTARY PUBLIC STATE OF FLORIDA
David J Hertzberg
My Commission DD267682
Expires January 09, 2008

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