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

Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

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 8315 S.W. 153rd Terrace, Palmetto Bay, Florida

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

Resolution No. R-494-10

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 8315 S.W. 153rd Terrace, Palmetto Bay, 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 $615 (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

8315 S.W. 153rd Terrace ("Flipse / O'Donnell House Historic Site") was designated by the Miami-Dade County Historic Preservation Board in 1993. The residence dates to the 1917 and is considered one of the earliest representations of the Mission / Mediterranean Revival style in Miami-Dade. The property was built for Louis Flipse under the supervision of Miami architect Henry La Pointe. Flipse first settled in the Homestead area in 1909. He befriended William J. Krome, Henry Flagler's chief surveyor and engineer, as well as Dr. David Fairchild. Fairchild designed a pond feature and landscape elements that still exist on the property. The house was considered 'state of the art' in its hey-day with visitors coming from all over the County to admire it.

The project involved restoration, rehabilitation and new construction work. The new construction component involved the addition of a discrete two-story addition to west (rear) side of the house that includes a new kitchen (ground floor level) and new bedroom and bathroom (second floor level). The project also included converting the original carport or porte cochere into a screened Florida room; window replacements throughout the house; porch extension and minor interior floor plan modifications to include a new breakfast area, hall, and reconfigured master bedroom and closet.

Submittal Dates

Part I of the Application was submitted to county preservation staff in 2007. The owner signed the covenant in 2007 and the county's Historic Preservation Board approved the project in 2008. Part II of the Application was received in February 2009 and the Property Appraiser considered the project substantially complete and submitted the Revenue Implication worksheet in August of 2009.

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)(A)

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)(A)
5-4-10

RESOLUTION NO. **R-494-10**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 8315 S.W. 153 TERRACE, PALMETTO BAY, 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, 8315 S.W. 153rd Terrace, Palmetto Bay, Florida is a Miami-Dade County designated historic site; and

WHEREAS, the Miami-Dade County Historic Preservation Board recommended that the exemption be allowed and certified to the Board of County Commissioners that 8315 S.W. 153rd Terrace, Palmetto Bay, Florida is a Miami-Dade County historic site 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 Lee J. Emslie and Dina C. Elmslie as the owners of 8315 S.W. 153rd Terrace, Palmetto Bay, 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 **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

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

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

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: **DIANE COLLINS**
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: 8315 SW 153 TERR
Folio # 33-5027-002-0450

			2009 Estimate
1.	Total Value of the Property		$598,798
2.	Value of the Improvements to the Property (The change in value due to the renovation as determined by the Property Appraiser):		$127,143
3.	Summary of annual taxes levied on these improvements (Taxes = value change x 2008 millage):		$2,496
	a) Countywide Operating	$615	
	b) Unincorporated Municipal Service Area	$0	
	c) Debt Service	$36	
	d) City Operating	$668	
	e) All other property taxes	$1,177	
		$2,496	Total taxes

County Revenue Implications

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

a)	County	$615
b)	UMSA	$0

Date: 7-31-09 Signed: _____
Property Appraiser

RECEIVED
AUG 05 2009
Miami Dade County
Office of Historic Preservation

MIAMI-DADE COUNTY

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

RECEIVED
SEP 21 2007
Miami Dade County
Office of Historic Preservation

This Covenant is made the 9 day of August, 2007, by Dina + Lee Elmslie (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 8315 SW 153 Terr, Palmetto Bay, FL 33157

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): Flipse/O'donnell Southwood, PB 65-49 Lot 6 Blk 4

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):

Name	Signature	Date
Dina Elmore	Dina Elmore	8/9/07

Lee Elmslie
Name

Signature

8/9/07
Date

LOCAL GOVERNMENT: Palmetto Bay TC

Kathleen S. Kauffman
Local Official
Director
Miami-Dade County
Office of Historic
Preservation

Kathleen Kauffman
Signature

2·1·10
Date

George M. Burgess
County Manager

Signature

Date

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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

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SEP 26 2008
Miami Dade County
Office of Historic Preservation

MIAMI-DADE HISTORIC PRESERVATION BOARD

RESOLUTION NO. 2008-16

8315 S.W. 153rd Terrace
Palmetto Bay, Florida
A LOCALLY DESIGNATED HISTORIC SITE

WHEREAS, the Miami-Dade Historic Preservation Board has determined that the property located at 8315 S.W. 153rd Terrace, Palmetto Bay, Florida, is of architectural and historic significance and is a locally designated historic site; 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: SOUTHWOOD, P.B. 65-49. Lot 6, Blk 4

Folio Number: 33-5027-002-0450

NOW, THEREFORE, BE IT RESOLVED, that the Historic Preservation Board on September 17, 2008, voted to approve the Ad Valorem Tax Exemption for 8315 S.W. 153rd Terrace, Palmetto Bay, 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 County's 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.
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.

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

09-17-08
Date

Prepared by:

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

MIAMI-DADE

MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
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Resolution No. 2008-16
Page 3 of 3

Board Members	Vote
Ruth Campbell	yes
Roger M. Carlton	yes
Adriana Y. Cantillo	yes
Richard Cohen	yes
Paul George	yes
Alberta Godfrey, Chair	yes
Hyacinth Johnson	yes
Robert McKinney	yes
Mitch Novick	yes
JoEllen Phillips	yes
Enid Pinkney	yes

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 17th of Sept. 20(
by, Alberta Godfery, 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 26 day of SEPTEMBER, A D 20 08
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By 6688 D.C.

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

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