

MEMORANDUM

Agenda Item No. 8(L)(3)


TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing historic preservation ad valorem tax exemption for the rehabilitation of 439 NE 76 Street, Miami, Florida, pursuant to section 196.1997, Florida Statutes, and section 16A-18 of the Code; directing the County Mayor to execute and record covenant; and authorizing the County Mayor to exercise provisions contained therein

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Historic Preservation Ad Valorem Tax Exemption for
439 NE 76 Street, Miami, Florida

Executive Summary

The purpose of this item is to gain final authorization from the Board of County Commissioners (Board) for a 10-year ad valorem tax exemption for the renovation of the historic property located at 439 NE 76 Street, Miami, Florida. If granted, the property will receive an annual Countywide ad valorem tax exemption of approximately \$559.00 from January 1, 2022 thru December 31, 2031.

Recommendation

It is recommended that the Board authorize the ad valorem tax exemption for the property located at 439 NE 76 Street, Miami, Florida, pursuant to Section 196.1997, Florida Statutes, and Section 16A-18 of the Code of Miami-Dade County.

Scope

This property is located within Commission District 3, which is represented by Commissioner Keon Hardemon. The impact of this item is countywide.

Delegation of Authority

Upon the approval of this resolution, the County Mayor or County Mayor's designee will be authorized to: (1) execute and record the associated covenant and (2) to exercise the provisions contained therein. This includes ensuring the Owner provides adequate maintenance and preservation of the property's qualifying improvements; inspecting the property for compliance; and taking action to report any incident of non-compliance to the Property Appraiser and Tax Collector offices.

Fiscal Impact/Funding Source

The annual amount of ad valorem taxes to be exempted for the 10-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption applies only to countywide operating ad valorem property taxes and is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$559.00. This estimate was provided by the Property Appraiser, a copy of which is attached hereto (see Exhibit 1). However, the annual value of the tax exemption during the 10-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the 10-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previously exempt improvements.

Track Record/Monitor

The Assistant Director of Planning in the Department of Regulatory and Economic Resources, Jerry H. Bell, will be responsible for implementation. County Historic Preservation staff and/or the Preservation Officer of the municipality in which the property is located will conduct periodic reviews of the property to ensure that the improvements are maintained for the duration of the tax abatement.

The tax exemption takes effect on January 1 of the year that the Property Appraiser calculates the estimated revenue implications and extends for a 10-year period, which for this property shall begin on January 1, 2022 and end on December 31, 2031. Failure by the owners to adhere to these standards would result in revocation of the exemption.

Background

1) State Requirements

In 1993, the Florida Legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that 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 the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

Furthermore, 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, including:

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

2) Application Process

To obtain the County's ad-valorem tax exemption, Part I of the application (construction plans) must be submitted prior to construction to ensure adherence to the rehabilitation standards. When the project is complete, the owner/applicant must submit Part II of the application (post-construction documentation) to the County along with a signed covenant, a copy of which is attached hereto (see Exhibit 2). The local preservation officer must also review and authorize the work for Part I and Part II of the application.

Upon review and approval of Part II, the item can then be placed on the County's Historic Preservation Board agenda. The Property Appraiser prepares the Revenue Implications Report when it considers the project substantially complete, and provides this report to the County's Office

of Historic Preservation. The tax exemption is calculated using the millage rate for the year in which the project was completed.

3) *Property Information*

The historic residential property located at 439 NE 76 Street, Miami, Florida was originally constructed in 1938. It is of architectural significance and was designated as a contributing structure in the Palm Grove Historic District by the City of Miami in 2009.

Restoration work included exterior restoration and preservation of historic features; installation of historically appropriate impact-resistant windows; and construction of a new one-story addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was approximately \$101,000.00, all of which was attributed to work on the historic structure. The Property Appraiser's office determined that the taxable value of the qualifying improvements was \$120,937.00.

The Miami-Dade County Historic Preservation Board, pursuant to Resolution No. 2022-11, a copy of which is attached hereto (see Exhibit 3), recommends that the exemption be granted, because 439 NE 76 Street, Miami, Florida is a contributing structure in a designated historic district, the proposed improvements are consistent with the United States Secretary of the Interior's Standards for Rehabilitation, and the application meets the criteria established in the rules adopted by the Florida Department of State.



Jimmy Morales
Chief Operations Officer



MIAMI-DADE COUNTY
PROPERTY APPRAISER
FIELD SERVICES DIVISION

PEDRO J. GARCIA
PROPERTY APPRAISER

**HISTORIC PRESERVATION EXEMPTION
PROPERTY TAX ASSESSMENTS / REVENUE IMPLICATIONS**

Property Address: 439 NE 76 ST
Folio # 01-3207-040-0650

2022
Estimate

| | |
|---|---------------------|
| 1. Total Value of the Property | \$489,619 |
| 2. Value of the Qualifying Improvements to the Property (The change in value due to the renovation as determined by the Property Appraiser): | \$120,937 |
| 3. Summary of annual taxes levied on these improvements (Taxes = value change x 2022 millage): | \$2,493 |
| a) Countywide Operating | \$559 |
| b) Unincorporated Municipal Service Area | \$0 |
| c) Debt Service | \$59 |
| d) City of Miami Operating | \$914 |
| e) All other property taxes | <u>\$962</u> |
| | \$2,493 Total taxes |

Revenue Implications

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

| | |
|----------------------------|-------|
| a) Countywide Operating | \$559 |
| d) City of Miami Operating | \$914 |

Signed: *Pedro J. Garcia*
Property Appraiser or designee

Date: 11/9/22

MDC005

MIAMI-DADE COUNTY

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made on the _____ day of _____, 2023, by JORDAN TRACHTENBERG (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 439 NE 76 Street, Miami, FL 33138 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, ___ history, ___ archaeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows: (include folio number and legal description, consisting of repository, book, and page numbers) Folio # 01-3207-040-0650
Legal Description: FEDERAL WAY AMD PB 25-6, LOT 11 BLK 9, LOT SIZE 50.000 X 125, OR 16858-2936 0795 4, COC 22552-1872 07 2004 1

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In consideration of the exemption granted by the Local Government, the Owner hereby agrees to the following for the period of the tax exemption which is from January 1, 2022 to December 31, 2031:

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 with review jurisdiction is:

Name of Office/Agency: City of Miami Historic Preservation Department

Address: 444 SW 2nd Avenue, 3rd Floor

City: Miami, FL Zip: 33130 Phone: 305-416-1059

Contact Person: Anna Pernas Title: Historic Preservation Officer

Email: apernas@miamigov.com

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

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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.

[Execution Pages Follow]

INDIVIDUAL

Signed, witnessed, executed and acknowledged on this 7 day of December, 2022.

WITNESSES:

[Signature]
 Signature
BOB BERKOWITZ
 Print Name
[Signature]
 Signature
Catherine Berkowitz
 Print Name

[Signature]
 Individual Signature
Jordan Trachtenberg
 Print Name
 Address:
439 NE 76th Street
Miami, FL 33138

STATE OF Florida

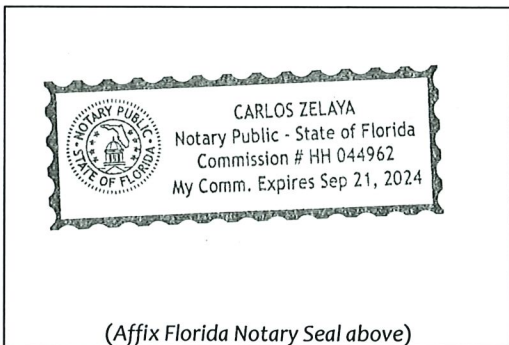
COUNTY OF Miami-Dade

Sworn to (or affirmed) and subscribed before me by means of (how the individual appeared check one):

physical presence online notarization this 7th day of Dec, 20 22.
(date) (month) (year)

by Jordan R Trachtenberg
(name of individual swearing or affirming)

Individual identified by: personal knowledge satisfactory evidence FLOL.
(type)



[Signature]
(Signature of Notary Public)

Carlos Zelaya
(typed, printed, or stamped name of Notary Public)

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CERTIFIED LOCAL GOVERNMENT REPRESENTATIVE:

Anna Pernas
Historic Preservation Officer


Signature

11/17/22
Date

COUNTY REPRESENTATIVE:

Print Name

Signature

Date



MIAMI-DADE COUNTY
 HISTORIC PRESERVATION BOARD
 STEPHEN P. CLARK CENTER
 111 N. W. FIRST STREET
 MAILBOX 114, (12TH FLOOR)
 MIAMI, FLORIDA 33128
 305-375-4958

**MIAMI-DADE COUNTY
 HISTORIC PRESERVATION BOARD**

RESOLUTION NO. 2022-11

**RESOLUTION PROVIDING RECOMMENDATION
 ON THE APPLICATION FOR
 AD VALOREM TAX EXEMPTION
 FOR 439 NE 76 STREET, MIAMI, FLORIDA**

WHEREAS, the property located at 439 NE 76 Street, Miami, Florida, is of architectural significance and is a contributing structure in the Palm Grove Historic District in the City of Miami; and

WHEREAS, the improvements to the property have met the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Miami-Dade County Historic Preservation Board; and

WHEREAS, the Ad Valorem Tax Exemption for historic properties applies to the County's portion of the millage, pursuant to Section 16A-18(2)(a).; and

WHEREAS, the property is located at 439 NE 76 Street, Miami, Florida, with a legal description as such:

TAX FOLIO NUMBER: 01-3207-040-0650

LEGAL DESCRIPTION: FEDERAL WAY AMD PB 25-6
 LOT 11 BLK 9
 LOT SIZE 50.000 X 125
 OR 16858-2936 0795 4
 COC 22552-1872 07 2004 1

WHEREAS, on May 18, 2022, the Historic Preservation Board of Miami-Dade County conducted a public hearing to provide a recommendation on the application for Ad Valorem Tax Exemption for 439 NE 76 Street, Miami, Florida, pursuant to the procedures set forth in Section 16A-18(2)(f).



MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
MAILBOX 114, (12TH FLOOR)
MIAMI, FLORIDA 33128
305-375-4958

Resolution #2022-11
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NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION BOARD OF MIAMI-DADE COUNTY, FLORIDA, that,

Section 1: The foregoing recitals are approved and incorporated in this Resolution.

Section 2: Having considered this matter at a public hearing, the application for Ad Valorem Tax Exemption for 439 NE 76 Street, Miami, Florida, is hereby recommended for **approval** by the Board of County Commissioners.

Section 3: This recommendation has been conditioned upon the following:

1. The completed rehabilitation project was 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 rehabilitation project is reviewed and evaluated by the County Property Appraiser with the completion of a "Historic Preservation Revenue Implications Report."

The foregoing resolution was offered by Board Member **Paul George** who moved its adoption. The motion was seconded by Board Member **Gary Appel** and upon being put to a vote, the vote was as follows:

| | | | | |
|----------------|---------------------------|-----------------|--------|--|
| | Harry Tapias, Chairman | Yes | | |
| | Jared Beck, Vice Chairman | Yes | | |
| Gary Appel | Absent | Paul George | Yes | |
| Melinda Jester | Absent | Javier Morejon | Absent | |
| Bob Ross | Yes | Cecilia Stewart | Yes | |
| Wesley Ulloa | Absent | | | |



MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
MAILBOX 114, (12TH FLOOR)
MIAMI, FLORIDA 33128
305-375-4958

Resolution #2022-11
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Prepared by:

Adrienne Burke
Adrienne Burke, Acting Historic Preservation Chief
Office of Historic Preservation

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Adrienne Burke who is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 25th day of May, 2022, in the County and State aforesaid.

(Notary Seal)



Claudia Luna
Signature of Notary

Notary, Public State of Florida
Claudia Luna
Printed Name

My Commission Expires: _____



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(3)

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(L)(3)
12-12-23

RESOLUTION NO. _____

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 439 NE 76 STREET, MIAMI, FLORIDA, PURSUANT TO SECTION 196.1997, FLORIDA STATUTES, AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

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:

Section 1. The foregoing recital is approved and incorporated in this resolution.

Section 2. This Board finds that the property, located at 439 NE 76 Street, Miami, Florida, meets the requirements of section 196.1997, Florida Statutes, and section 16A-18 of the Code, and grants the application for a historic preservation tax exemption to Jordan Trachtenberg, as the owner of the property. The tax exemption hereby authorized shall run for 10 years beginning on January 1st of the year that the Property Appraiser calculates the estimated revenue implications, which for this property began on January 1, 2022 and shall end on December 31, 2031.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or County Mayor’s designee to sign the attached covenant and record it with the deed for the property in the Public Records of Miami-Dade County, Florida. The County Mayor or County Mayor’s designee shall provide a recorded copy of the covenant to the Clerk of the Board within 30 days of execution of said covenant, and the Clerk of the Board shall attach and permanently store a recorded copy of the covenant together with this resolution.

Section 4. The County Mayor or County Mayor’s designee is authorized to exercise the provisions contained in the covenant.

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:

| | |
|----------------------------------|----------------------|
| Oliver G. Gilbert, III, Chairman | |
| Anthony Rodríguez, Vice Chairman | |
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



James Eddie Kirtley