

MEMORANDUM

Agenda Item No. 8(L)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing Historic
Preservation Ad Valorem Tax
Exemption for the rehabilitation
of 3101 Indian Creek Drive,
Miami Beach, 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

Resolution No. R-554-21

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Date: June 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Historic Preservation Ad Valorem Tax Exemption for
3101 Indian Creek Drive, Miami Beach, Florida

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the ad valorem tax exemption for the property located at 3101 Indian Creek Drive, Miami Beach, 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 5, which is represented by Commissioner Eileen Higgins. 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 is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$18,198.00. This estimate was provided by the Property Appraiser and is attached to this transmittal memorandum (see the Revenue Implications Report, 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 the 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, 2020 and end on December 31, 2029. Failure by the owners to adhere to these standards would result in revocation of the exemption.

Background

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.

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 must submit Part II of the application (post-construction documentation) to the County along with a signed covenant, which is attached hereto as Exhibit 2. The local preservation officer must also review and authorize the work for Part I and Part II of the application.

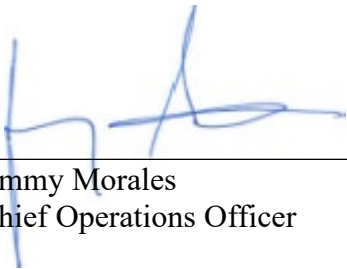
Upon review and approval of Part II, the item can then be placed on the County’s Historic Preservation Board agenda. The Property Appraiser prepares the Revenue Implications Report when it considers the project substantially complete, and provides this report to the County’s Office of Historic Preservation. The tax exemption is calculated using the millage rate for the year in which the project was completed.

The historic mixed-use property located at 3101 Indian Creek Drive, Miami Beach, Florida was originally constructed in 1940. It is of architectural and historic significance and was designated as a contributing resource in the Collins Waterfront Historic District by the City of Miami Beach in 2001.

Restoration work included retention and restoration of character-defining features, including the historic lobby, projecting entry, rounded eyebrows, keystone paneling, stucco scoring, decorative medallions, and nautical guardrails; window and door replacement with historically appropriate, impact-resistant materials; interior remodeling; and plumbing, electrical, and mechanical system upgrades.

Part II of the application indicates that the amount spent by the property owner on the total renovation was approximately \$10,000,000.00, of which \$7,000,000.00 was attributed to work on the historic aspects of the property. The Property Appraiser's office determined that the taxable value of the qualifying improvements was \$3,899,469.00.

The Miami-Dade County Historic Preservation Board, pursuant to Resolution No. R-2020-11, a copy of which is attached hereto as Exhibit 3 and incorporated herein by reference, recommends that the exemption be granted, because 3101 Indian Creek Drive, Miami Beach, Florida is a contributing resource in a local 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: 3101 INDIAN CREEK DR
Folio # 02-3226-001-1380

2020
Estimate

1. Total Value of the Property	\$11,182,617
2. Value of the Qualifying Improvements to the Property (The change in value due to the renovation as determined by the Property Appraiser):	\$3,899,469
3. Summary of annual taxes levied on these improvements (Taxes = value change x 2020 millage)	\$75,492
a) Countywide Operating	\$18,198
b) Unincorporated Municipal Service Area	\$0
c) Debt Service	\$1,864
d) City of Miami Beach Operating	\$22,339
e) All other property taxes	\$33,091
	\$75,492 Total taxes

County Revenue Implications

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

a) Countywide Operating	\$18,198
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Signed:
Property Appraiser or designee

Date: 12/8/20

MIAMI-DADE COUNTY

HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made on the _____ day of _____, 2021, by Greenbrier Partners, 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 3101 Indian Creek Drive, Miami Beach, FL 33140 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 XX 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) MIAMI BEACH IMP CO SUB PB 5-7, LOTS 7-8-10-13 & 14 BLK, LOT SIZE 23521 SQFT, FAU 02 3226 035 0001, FKA SOUTH BEACH BAYSIDE CONDO 1, PER TERMINATION OF DECL, OR 31677-2395
Folio # 02-3226-001-1380

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, 2020 to December 31, 2029 :

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 Beach Historic Preservation Department
Address: Planning Department, 1700 Convention Center Drive
City/State: Miami Beach, FL Zip: 33139 Phone: 305-673-7000
Contact Person: Debbie Tackett Title: Chief of Historic Preservation
Email: deborahTackett@miamibeachfl.gov

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.

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 28 day of December, 2020.

IN WITNESS WHEREOF, Greenbrier Partners, LLC (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

[Signature]

Signature

MARIE E. RODGERS

Print Name

Greenbrier Partners, LLC

Name of LLC

Address:

3101 Indian Creek Dr

Miami Beach, FL 33140

By

[Signature]
(Managing Member)

Print Name:

Rory Greenber

[*Note: All others require attachment of original corporate resolution of authorization]

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 28 day of

Dec

, 20

20

(date) (month) (year)

by

RORY GREENBER

(name of individual swearing or affirming)

as

(type of authority, e.g., Officer, Attorney-in Fact)

for

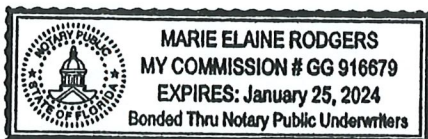
(Name of LLC)

Individual identified by:

☒ personal knowledge

☐ satisfactory evidence

(type)



(affix Florida Notary Seal above)

[Signature]

(Signature of Notary Public)

MARIE ELAINE RODGERS

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

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CERTIFIED LOCAL GOVERNMENT REPRESENTATIVE:

Deborah Tackett
Chief of Historic Preservation


Signature

1/15/2021
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. 2020-11

RESOLUTION PROVIDING RECOMMENDATION
ON THE APPLICATION FOR
AD VALOREM TAX EXEMPTION
FOR 3101 INDIAN CREEK DRIVE

WHEREAS, the property located at 3101 Indian Creek Drive, Miami Beach, FL is of architectural significance; and is a contributing resource in the City of Miami Beach Collins Waterfront Historic District and the National Register-listed Collins Waterfront Architectural District; 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 3101 Indian Creek Drive, Miami Beach, Florida, with a legal description as such:

TAX FOLIO NUMBER: 02-3226-001-1380

LEGAL DESCRIPTION: MIAMI BEACH IMP CO SUB PB 5-7
 LOTS 7-8-10-13 & 14 BLK
 LOT SIZE 23521 SQFT
 FAU 02 3226 035 0001
 FKA SOUTH BEACH BAYSIDE CONDO 1



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 #2020-11

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WHEREAS, on July 22, 2020, 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 3101 Indian Creek Drive, Miami Beach, Florida, pursuant to the procedures set forth in Section 16A-18(2)(f).

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 3101 Indian Creek Drive, Miami Beach, 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 **Megan McLaughlin** who moved its adoption. The motion was seconded by Board Vice Chair **Bob Smith** and upon being put to a vote, the vote was as follows:

	Cecilia Stewart, Chairwoman	YES	
	W. R. (Bob) Smith, III, Vice Chairman	YES	
Gary Appel	RECUSED	Paul George	YES
Melinda Jester	YES	Megan McLaughlin	YES
Anthony Rionda	YES	Lourdes Solera	YES
Harry Tapias	YES		

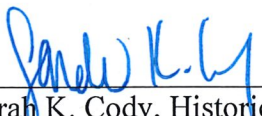


MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
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305-375-4958

Resolution #2020-11

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Prepared by:



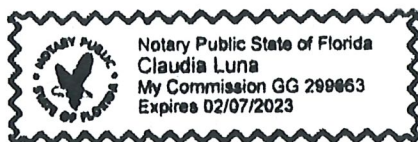
Sarah K. Cody, Historic Preservation Chief
Office of Historic Preservation

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

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

Witness my signature and official seal this 28 day of July, 2020, in the County and State aforesaid.

(Notary Seal)





Signature of Notary

Notary, Public State of Florida
Claudia Luna

Printed Name

My Commission Expires: _____



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(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(L)(2)
6-2-21

RESOLUTION NO. _____ R-554-21

RESOLUTION AUTHORIZING HISTORIC PRESERVATION
AD VALOREM TAX EXEMPTION FOR THE
REHABILITATION OF 3101 INDIAN CREEK DRIVE, MIAMI
BEACH, 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 3101 Indian Creek Drive, Miami Beach, Florida, meets the requirements of section 196.1997, Florida Statutes, and section 16A-18 of the Code of Miami-Dade County, and grants the application for a historic preservation tax exemption to Greenbrier Partners LLC, 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, 2020 and shall end on December 31, 2029.

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

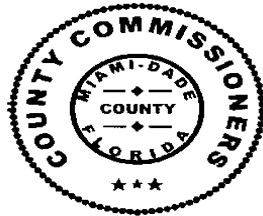
Mayor's designee shall provide a recorded copy of the covenant to the Clerk of the Board within 30 days of execution of said covenant, and the Clerk of the Board shall attach and permanently store a recorded copy of the covenant together with this resolution.

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 **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of June, 2021. 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "James", is written over a horizontal line.

James Eddie Kirtley