

RESOLUTION NO. 2005- 393

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 154 CORDOVA STREET (THE RECORD BUILDING), ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 97-61 AND SECTION 196.1997, FLORIDA STATUTES, NOTING ERRORS IN CITY COMMISSION RESOLUTION NO. 2005-32, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Johns County Ordinance 97-61, known as the St. Johns County Historic Preservation Property Tax Exemption Ordinance, sets out the procedures for an ad valorem tax exemption to be given to an owner of historic property in St. Johns County in the amount of the assessed value of the improvements to be determined by the Property Appraiser's Office; and

WHEREAS, St. Johns County Ordinance 97-61, authorizes the Planning and Building Division of the City of St. Augustine to supervise and administer the rules and regulations pertaining to review of applications for property tax exemptions, and provides for review by the City's Historic Architectural Review Board (HARB) pursuant to Sections 196.1997 and 196.1998, Florida Statutes; and

WHEREAS, the City Commission of the City of St. Augustine passed Resolution No. 2005-32 on November 14, 2005 finding that the application for historic preservation property tax exemption for property located at 154 Cordova Street, St. Augustine, Florida had been properly reviewed and approved by the City's HARB, and designated that the property commonly known as the St. Augustine Record Building is an historic property; and

WHEREAS, the property located at 154 Cordova Street, St. Augustine, Florida is owned by Cordova Development, LLC, which is the current name of the company; and

WHEREAS, the name of the company that owns the property at 154 Cordova Street, St. Augustine, Florida was changed to Cordova Development, LLC in June 2004; and

WHEREAS, City Commission Resolution No. 2005-32 contains several errors which appear to be scrivener's errors or typographical errors as follows: (1) the name of the property owner at the time the resolution was passed is incorrect; (2) the statutory citation is incorrect (the City's resolution cites section 196.1977, F.S.; the correct citation is section 196.1997, F.S., which is the statutory section under which the application for exemption was submitted); (3) the time period for which the tax exemption applies was stated incorrectly in the City resolution; the correct time period begins January 1, 2006 and expires December 31, 2010 (not 2011); and (4) an incorrect address is listed in the

5<sup>th</sup> "whereas" clause of the City's resolution, although the correct address is listed elsewhere in the resolution; and

WHEREAS, City Commission Resolution No. 2005-32 refers to documents recorded in the Official Records of St. Johns County at O.R. 2111, PG 1704 and at O.R. 2132, PG 560, which are exhibits to two special warranty deeds recorded at O.R. 2111, PG 1702 and at O.R. 2132, PG 558 conveying the property to a Limited Liability Company on December 18, 2003; and

WHEREAS, the company that acquired the property on December 18, 2003, changed its name to Cordova Development, LLC on June 14, 2004, after the pre-construction applications seeking historic property status were filed; and

WHEREAS, the name change of the company that owns the property was not reflected in documents submitted to the City and other appropriate government agencies after the date of the name change, including City Commission Resolution No. 2005-32 passed on November 14, 2005, which was seventeen (17) months after the name change; and

WHEREAS, the applications and other documents submitted to the City and other government agencies were submitted primarily by the architect on the project, Howard Davis, on behalf of the property owner; and

WHEREAS, records from the Florida Department of State, Division of Corporations, and affidavits of C. Guy Batsel and Deborah J. Batsel have been submitted to the County and are made a part of the record before the Board of County Commissioners on December 13, 2005, said affidavits verifying that the Batsels own a majority interest in Cordova Development, LLC, and authorizing Howard Davis to file the applications in this matter; and

WHEREAS, the Board of County Commissioners finds it appropriate and in the public interest to grant an historic property tax exemption to Cordova Development, LLC, the owner of the St. Augustine Record Building located at 154 Cordova Street, St. Augustine, Florida, for a period of five (5) years beginning January 1, 2006 through December 31, 2010, provided that the property owner complies with the Covenant to ensure protection of the historical and architectural integrity of the site.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AS FOLLOWS:

1. The above 'Whereas' clauses are accepted as findings of fact and incorporated by reference herein.
2. The historic property is located at 154 Cordova Street, St. Augustine, Florida, and is owned by Cordova Development, LLC.

3. The historic property ad valorem tax exemption begins January 1, 2006, and expires December 31, 2010, for the property located at 154 Cordova Street, St. Augustine, Florida.

4. The historic property meets the requirements of Section 196.1997, Florida Statutes.

5. This Resolution shall take effect immediately upon passage by the Board of County Commissioners of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 13 day of December, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande

RENDITION DATE 12-15-05



The following pages are for informational purposes only.

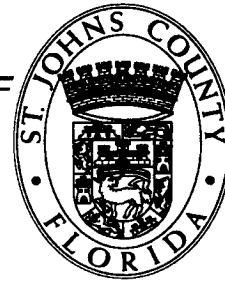
They are not a part of Resolution No. 2005-393.

# ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners

OFFICE OF THE  
COUNTY ATTORNEY

P.O. BOX 349  
SAINT AUGUSTINE, FLORIDA  
32085-0349



PHONE: (904) 209-0805  
FAX: (904) 209-0806

March 2, 2006

Ms. Pat DeGrande, Director of Minutes and Records  
St. Johns County Clerk of Courts  
4010 Lewis Speedway  
St. Augustine, Florida 32084

Ms. Sandy Homan, Director of Exemptions  
St. Johns County Property Appraiser's Office  
4030 Lewis Speedway, Suite 203  
St. Augustine, Florida 32084

**RE: Historic Property Tax Exemption; Parcel No. 199800 0000  
The St. Augustine Record Building, 154 Cordova Street**

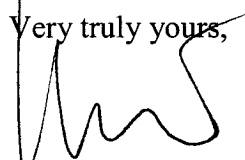
Dear Pat and Sandy:

The Board of County Commissioners authorized an historic property tax exemption on the above referenced property in County Commission Resolution No. 2005-393 on December 13, 2005.

Since that time, the City of St. Augustine has submitted the enclosed documents. We request that these documents be included in your files. They are:

- 1) Cover letter from City of St. Augustine, Director of Planning/Building, dated 2/14/06;
- 2) City of St. Augustine Resolution No. 2006-02 (which corrects errors in previous City Commission Resolution No. 2005-32); and
- 3) Historic Preservation Property Tax Exemption Covenant dated February 13, 2006, between the City of St. Augustine and the property owner.

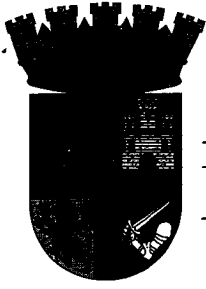
Feel free to call me if you have any questions. Thank you for your time and assistance.

Very truly yours,  


Laura Lee Barrow  
Senior Assistant County Attorney

Encl.

cc: Mark Knight, Director of Planning & Building, City of St. Augustine  
Guy Batsel, Esq., Cordova Development, LLC, P.O. Box 363, Placida, FL 33946-0363



# City of St. Augustine



St. Augustine, Florida

Planning/Building

February 14, 2006

FEB 15 2006

Laura Lee Barrow  
Senior Assistant County Attorney  
P.O. Box 349  
St. Augustine, Florida 32085-0349

Dear Ms. Barrow:

The Planning and Building Department received your letter dated December 19, 2005, and we appreciate your review and comment regarding Resolution 2005-32. Attached is a copy of Resolution No 2006-02 correcting and amending Resolution No. 2005-32, as well as a copy of the historic preservation property tax exemption covenant signed buy the property owner that will be recorded in the public records.

If you have any questions or need additional information, please call me.

Sincerely,

Mark Knight, AICP  
Director, Planning and Building

cc: Wm. B. Harriss, City Manager

**RESOLUTION NO. 2006-02**

**A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, CORRECTING AND AMENDING RESOLUTION NO. 2005-32 PERTAINING TO PROPERTY LOCATED AT 154 CORDOVA STREET; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on November 14, 2005, the City Commission passed Resolution No. 2005-32 granting a five year ad valorem tax exemption for an historic property located at 154 Cordova Street; and

**WHEREAS**, Resolution No. 2005-32 refers to s. 196.1977, Florida Statutes, in lieu of s. 196.1997, Florida Statutes; and

**WHEREAS**, Resolution No. 2005-32 refers to property located at 164 Cordova Street in lieu of property located at 154 Cordova Street in part of the resolution; and

**WHEREAS**, Resolution No. 2005-32 refers to the time period for the property tax exemption from January 1, 2006 through December 31, 2011 in lieu of the appropriate time period for the property tax exemption being January 1, 2006 through December 31, 2010; and

**WHEREAS**, Resolution No. 2005-32 refers to a Five Year Schedule of Capital Improvements in lieu of a five year ad valorem tax exemption for an historic property; and

**WHEREAS**, the Florida Department of State, Division of Corporations, had a name change amendment filed on June 14, 2004, changing the corporation name to Cordova Development, LLC; and

**WHEREAS**, it is in the best interest of public health, safety and general welfare to correct and amend Resolution 2006-32 via this resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

**Section 1. Corrections to Resolution No. 2005-32.** Resolution No. 2005-32 is hereby corrected and amended as follows:

1. Any and all references to s. 196.1977, Florida Statutes, in Resolution 2005-32 is hereby amended and corrected to reference s. 196.1997, Florida Statutes.
2. Any and all references to 164 Cordova Street in Resolution 2005-32 is hereby amended and corrected to reference 154 Cordova Street.

3. The name change amendment filed on June 14, 2004, with the Florida Department of State, Division of Corporations, is hereby recognized.
4. The recital in Resolution 2005-32 stating "that it is in the best interest of public health, safety, and general welfare to commit to amend the Five Year Schedule of Capital Improvements to incorporate the above referenced projects;" is amended and corrected to read "that it is in the best interest of public health, safety, and general welfare to grant a five year ad valorem tax exemption for the historic property located at 154 Cordova Street;"
5. Section 1. of Resolution 2005-32 is hereby corrected and amended to read as follows:

"Section 1. Five Year Property Tax Exemption. The City Commission for the City of St. Augustine, Florida, finds that the historic property located at 154 Cordova Street meets the requirements of s. 196.1997, Florida Statutes, and hereby grants an ad valorem property tax exemption for the improvements made at 154 Cordova Street. The property tax exemption begins January 1, 2006 and expires of December 31, 2010."

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

**PASSED** by the City Commission for the City of St. Augustine, Florida, this 13<sup>th</sup> day of February, 2006.

ATTEST:

Martha V. Porter  
City Clerk



\_\_\_\_\_  
Mayor-Commissioner



## HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the 13<sup>th</sup> day of February, 2006, by  
GUY BATSEL (CORDOVA DEVELOPMENT, LLC) (hereinafter referred to as the Owner)  
 and in favor of THE CITY OF ST. AUGUSTINE, FLORIDA  
 (hereinafter referred to as the Local Government) for the purpose of the restoration,  
 renovation or rehabilitation, of a certain Property located at 154 CORDOVA STREET  
PIN 199800 0000

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 city reference, consisting of repository, book, and page numbers): \_\_\_\_\_

PARCEL IDENTIFICATION NUMBER 199800 0000

In consideration of the tax 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, 2006, to December 31, 2010 :

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 ( ) Division of Historical Resources ( ) Local Historic Preservation Office.

The address of the certified Local Historic Preservation Office is, if one exists in the jurisdiction:

Name of Office/Agency: PLANNING AND BUILDING DEPARTMENT  
Address: P.O. BOX 210 (75 KING STREET)  
City: ST. AUGUSTINE, FLORIDA Zip: 32085  
Telephone: (904) 825-1060

The address of the Division of Historical Resources is:

Bureau of Historic Preservation  
Division of Historical Resources  
R.A. Gray Building, 500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Telephone Number: (904) 487-2333

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 ( )Division of Historical Resources (X)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 ( )Division of Historical Resources (X)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 ( )Division of Historical Resources (X)Local Historic Preservation Office in writing of the damage to 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 ( )Division of Historical Resources 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 ( )Division of Historical Resources Local Historic Preservation Office in writing of the loss. The ( )Division of Historical Resources 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 ( )Division of Historical Resources 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 ( )Division of Historical Resources 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 ( ) Division of Historical Resources (X) Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the ( ) Division of Historical Resources (X) 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 differences 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



Name

GUY BATSEL (CORONA DEVELOPMENT)

Signature

02/02/06

Date

LOCAL GOVERNMENT: CITY OF ST. AUGUSTINE

George Gardner, Mayor

Name of Authorized Local Official

  
Signature

Feb. 13, 2006

Date