

RESOLUTION NO. 2015- 59

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 112 RIBERIA STREET, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 97-61 AND SECTION 196.1997, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**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. 2014-43 on December 8, 2014 finding that the application for historic preservation property tax exemption for property located at 112 Riberia Street, St. Augustine, Florida had been properly reviewed and approved by the City's HARB, and designated that the property is an historic property; and

**WHEREAS**, the property located at 112 Riberia Street, St. Augustine, Florida is owned by Riberia Holdings LLC, of St. Augustine, FL; and

**WHEREAS**, the applications and other documents submitted to the City and other government agencies were submitted primarily by Philip McDaniel, as legal representative of Riberia Holdings LLC; and

**WHEREAS**, the Board of County Commissioners finds it appropriate and in the public interest to grant an historic property tax exemption to Riberia Holdings LLC, the owner of the property at 112 Riberia Street, St. Augustine, Florida, for a period of ten (10) years beginning January 1, 2015 through December 31, 2024, 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:

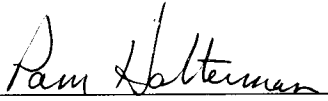
1. The above 'Whereas' clauses are accepted as findings of fact and incorporated by reference herein.
2. The historic property is located at 112 Riberia Street, St. Augustine, Florida, and is owned by Riberia Holdings LLC.
3. The historic property ad valorem tax exemption begins January 1, 2015, and expires December 31, 2024, for the property located at 112 Riberia Street, St. Augustine, Florida.
4. The historic property meets the requirements of Section 196.1997, Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida this 17<sup>th</sup> day of March 2015.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:  \_\_\_\_\_  
Priscilla L. Bennett, Chair

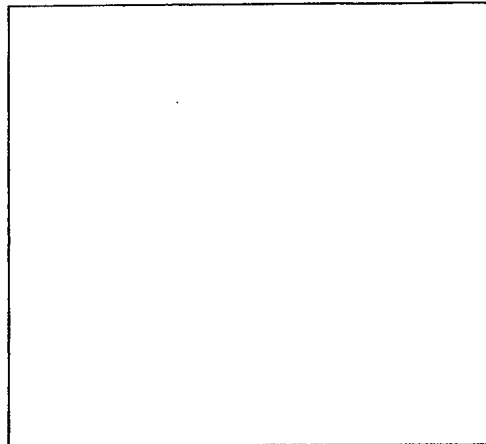
ATTEST: CHERYL STRICKLAND, CLERK

By:  \_\_\_\_\_  
Deputy Clerk



RENDITION DATE 3/19/15

CITY OF ST. AUGUSTINE  
COUNTY OF ST. JOHNS  
STATE OF FLORIDA



I, Alison Ratkovic, City Clerk, City of St. Augustine, Florida, do hereby certify that the attached **RESOLUTION 2014-43, A RESOLUTION OF THE CITY OF ST. AUGUSTINE, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR AN HISTORIC PROPERTY LOCATED AT 112 RIBERIA STREET; AND PROVIDING AN EFFECTIVE DATE**, contains a full, true and correct copy as the same that appears of Record and on file in my office, City of St. Augustine, 2<sup>nd</sup> Floor, S.E., Elevator B, City Hall, 75 King Street.

IN WITNESS WHEREOF, I set my hand and do affix the corporate seal of the City of St. Augustine, Florida, on this 8th day of December, 2014.



  
Alison Ratkovic, City Clerk

**RESOLUTION NO. 2014-43**

**A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR AN HISTORIC PROPERTY LOCATED AT 112 RIBERIA STREET; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission for the City of St. Augustine, Florida, is the local governing authority as prescribed by s. 196.1997, Florida Statutes, to approve an ad valorem tax exemption for an historic property; and

**WHEREAS**, the City Commission finds that the property located at 112 Riberia Street is owned by Riberia Holdings LLC pursuant to O.R. 3671, PG 245, and is designated as an historic property under the terms of the local preservation ordinance; and

**WHEREAS**, on December 20, 2012, the Historic Architectural Review Board (HARB) for the City of St. Augustine reviewed and approved an application for work to be completed at 112 Riberia Street; and

**WHEREAS**, on February 12, 2014, a Certificate of Completion and Use Permit/Certificate of Occupancy was issued by the Planning and Building Department of the City of St. Augustine allowing the Distillery to open for business at 112 Riberia Street; and

**WHEREAS**, on April 17, 2014, the HARB for the City of St. Augustine reviewed an application for the work completed at 112 Riberia Street prior to February 12, 2014, approved a certificate of completeness, and recommended the property located at 112 Riberia Street for an historic property tax exemption; and

**WHEREAS**, the City Commission for the City of St. Augustine has reviewed and approved the associated Historic Preservation Property Tax Exemption Covenant and hereby

determines that it is in the best interest of public health, safety, and general welfare to grant an historic preservation property tax exemption;

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

Section 1. Historic Preservation Property Tax Exemption. The City Commission for the City of St. Augustine, Florida, finds that the historic property located at 112 Riberia Street meets the requirements of s. 196.1977, Florida Statutes, and hereby grants an ad valorem property tax exemption for the improvements made at 112 Riberia Street subject to the recordation of an Historic Preservation Property Tax Exemption Covenant consistent with the requirements of s. 196.1977, Florida Statutes. The property tax exemption begins January 1 following substantial completion and remains in effect and expires in 10 years.

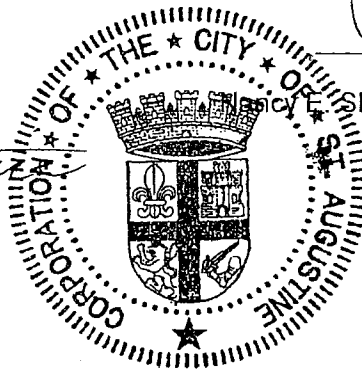
Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

**ADOPTED** in Regular Session of the City Commission for the City of St. Augustine, Florida, this 8<sup>th</sup> day of December, 2014.

ATTEST:



Alison Ratkovic, City Clerk  
(SEAL)



  
\_\_\_\_\_  
Jay Shaver, Mayor-Commissioner

**HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT**

This Covenant is made the 12 day of November, 2014, by Riberia Holdings, LLC (hereinafter referred to as the Owner) and in favor of the City of St Augustine (hereinafter referred to as the Local Government) for the purpose of the restoration, renovation, or rehabilitation of a certain Property located at 112 Riberia St. St Augustine, Florida which is owned in fee simple by the Owner and is listed in the National Register of Historic Places, is a contributing property to a National Register listed district, or locally designated under the terms of Section 28-87, Code of the City of St Augustine, Florida. 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; and/or  archeology.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements. The property is more particularly described as follows: [insert legal description] as per OR 3671, Page 245, St Johns County Clerk of the Courts; and further identified by the following parcel identification number: 203430 - 0000 as assigned by the St Johns County Property Appraiser. 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, 2015 , to December 31, 2024 .

1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, and/or archeological 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 Section 28-87, Code of the City of St Augustine, Florida.

2. The Owner agrees that no visual or structural alterations will be made to the Property without the prior written permission of the  Division of Historical Resources or the  City of St Augustine (Local Historic Preservation Office).

The address of the certified Local Historic Preservation Office is:

Historic Architectural Review Board  
c/o St Augustine Planning & Building Department  
P. O. Box 210  
St Augustine, FL 32085-1027  
Telephone: (904) 825-1065

The address of the Division of Historical Resources is:

Office of Cultural & Historical Programs  
Bureau of Historic Preservation  
R. A Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6333

3. [Only for properties of archeological 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 archeological resource, provided that permission for alteration of the site is obtained pursuant to item #2 above.
4. The Owner agrees that the  Division of Historical Resources or the  City of St Augustine (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 or the  City of St Augustine (Local Historic Preservation Office) will report such violation to the St Johns County 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 or the  City of St Augustine (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 or the  City of St Augustine (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 archeological integrity which made the property eligible for listing in the National Register of Historic Places or designation under Section 28-87, Code of the City of St Augustine, Florida have been lost or so damaged that restoration is not feasible, the Owner will notify the  Division of Historical Resources or the  City of St Augustine (Local Historic Preservation Office) in writing of the loss. The  Division of Historical



Resources or the  City of St Augustine (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 or the  City of St Augustine (Local Historic Preservation Office) determines that the Property should be removed from eligibility for tax exemption, it will notify the St Johns County Property Appraiser and Tax Collector 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 archeological integrity which made the Property eligible for listing in the National Register of Historic Places or designation under Section 28-87, Code of the City of St Augustine, Florida have been lost or damaged deliberately or through gross negligence of the Owner, the  Division of Historical Resources or the  City of St Augustine (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 or the  City of St Augustine (Local Historic Preservation Office). If the Owner does not complete the restoration work on the agreed upon time schedule, the  Division of Historical Resources or the  City of St Augustine (Local Historic Preservation Office) will report such violation to the St Johns County 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 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

PHILIP M. DANIEL  
Name

[Signature]  
Signature

11/12/14  
Date

LOCAL GOVERNMENT

City of St Augustine

[Signature]  
Name of Authorized  
Local Official

Mayor  
Title

NANCY E. SHAVEN  
Signature

12-8-14  
Date