

RESOLUTION NO.: R-2020-038

Certifying Units within the Buildings Including and Adjacent to the Building Known as the Moe Levy's Building as Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as amended, regarding properties located at 1105 Lady Street, 1115 Lady Street and 1304 Assembly Street, Columbia, SC, TMS #s R09013-05-10, R09013-05-09 and R09013-05-11

ORIGINAL
STAMPED IN RED

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act of 2013 (the "Act") was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and,

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and,

WHEREAS, Section 12-67-120 of the Act provides the following definitions (in pertinent part):

(1) "Abandoned building" means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a building or structure that otherwise qualifies as an "abandoned building" may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned.

(2) "Building site" means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use; and,

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes and license fees; and,

WHEREAS, Section 12-67-160 of the Act provides that a taxpayer may apply to the municipality or county in which the abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality or county. The certification must include findings that the:

(1) abandoned building site was an abandoned building as defined in Section 12-67-120(1); and,

(2) geographic area of the abandoned building site is consistent with Section 12-67-120(2); and,

WHEREAS, **1300 Assembly, LLC** (the "Taxpayer") is the owner and developer of certain real property including and adjacent to the building once known as Moe Levy's, located at 1105 Lady Street, 1115 Lady Street and 1304 Assembly Street, Columbia, SC, as referenced in deeds recorded, respectively, on August, 2, 2013 in the Richland County Register of Deeds Office in Book 1884, Page 1660; April 9, 2015 in the Richland County Register of Deeds Office in Book 2019, Page 83; and April 9, 2015 in the Richland County Register of Deeds Office in Book 2019, Page 83, which property is further identified on the Richland County Tax Map as TMS Nos. R09013-05-10, R09013-05-09 and R09013-05-11 (collectively, the "Property"); and,

ORIGINAL
STAMPED IN RED

WHEREAS, the Taxpayer has subdivided the structure into three separate units as indicated in the Request to Certify; and,

WHEREAS, the taxpayer intends to demolish the existing site and rebuild the building site into retail/commercial use, specifically a restaurant, apartments and parking facility; and,

WHEREAS, the Property is located in the City of Columbia, in Richland County, South Carolina; and,

WHEREAS, the Taxpayer has requested that the City of Columbia certify (i) that each of the three units are eligible as abandoned building sites as defined by and referenced in Section 12-67-120(1), and (ii) that the geographic area of the abandoned building sites include the land upon which the abandoned building sites are located and the land immediately surrounding such building sites used for parking and other similar purposes directly related to the building sites' income producing use; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina, this 25th day of February, 2020, as follows:

Section 1. The Taxpayer has submitted to the City a request to certify the abandoned building site pursuant to Section 12-67-160 of the Act (the "Request to Certify").

Section 2. The City has reviewed the Request to Certify, supporting documentation, conferred with the Taxpayer and conducted its own review of the Property.

Section 3. The City hereby certifies solely for purposes of the income tax and license fee credit that (i) the three units each constitute an abandoned building site as defined by and referenced in Section 12-67-120(1) of the Act, and (ii) the geographic area of the building sites are consistent with Section 12-67-120(2) of the Act.

Requested by:

Assistant City Manager Gentry _____



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 2/25/2020
Final Reading: 2/25/2020

1300 Assembly, LLC
Request to Certify
Supporting Documentation

This supporting documentation accompanies 1300 Assembly, LLC's request for the City of Columbia City Council to certify as abandoned the building on the following plats:

1. 1105 Lady Street – TMS # R09013-05-10;
2. 1115 Lady Street – TMS # R09013-05-09;
3. 1304 Assembly Street – TMS #R09013-05-11.

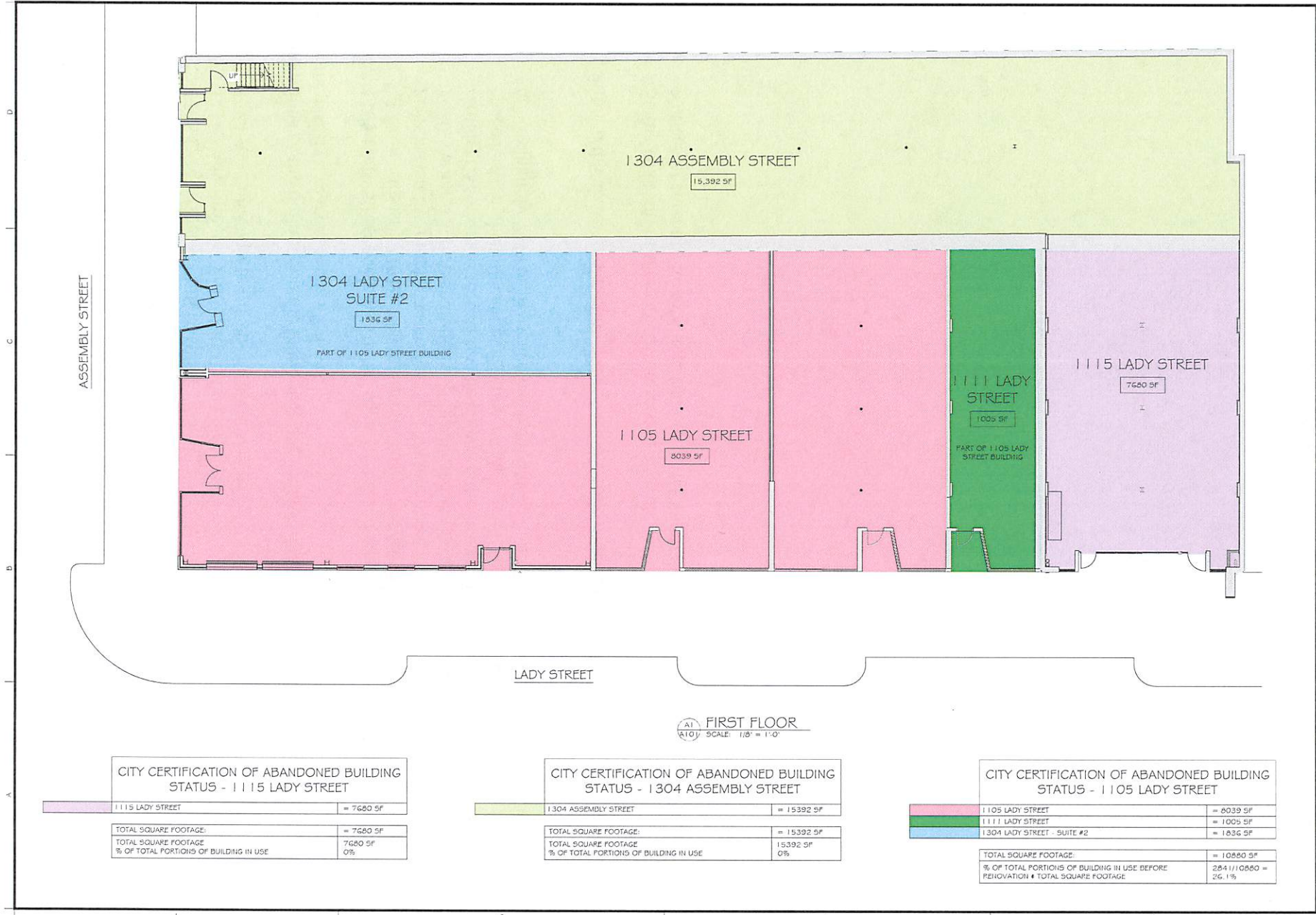
All portions of the building on the three plats above have remained completely vacant for greater than the last five years except as follows:

1. 1105 Lady Street contains 10,880 square feet, and was purchased by 1300 Assembly, LLC on August 2, 2013. Since the purchase date, 1,005 square feet have continuously been leased by Initially Yours LLC. That tenant vacated the premises on January 31, 2020. When 1300 Assembly, LLC purchased the property, it had an additional tenant renting 1,836 square feet who vacated when the lease expired on July 31, 2016; that space has remained vacant ever since. Although the space is currently occupied, approximately 74% of the space has been closed continuously to business for greater than five years.

In addition to the above explanation, please see the following attached documents:

- Status Diagram of the parcels referenced above;
- Notices of Intent to Rehabilitate filed with the South Carolina Department of Revenue.

PLOT DATE/TIME: 2/12/2020 12:35:46 PM Wednesday, February 12, 2020 12:35:46 PM



CITY CERTIFICATION OF ABANDONED BUILDING STATUS - 1115 LADY STREET


1115 LADY STREET	= 7680 SF
TOTAL SQUARE FOOTAGE:	= 7680 SF
TOTAL SQUARE FOOTAGE	7680 SF
% OF TOTAL PORTIONS OF BUILDING IN USE	0%

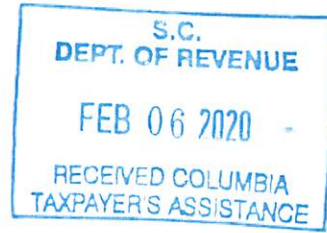
CITY CERTIFICATION OF ABANDONED BUILDING STATUS - 1304 ASSEMBLY STREET

1304 ASSEMBLY STREET	= 15392 SF
TOTAL SQUARE FOOTAGE:	= 15392 SF
TOTAL SQUARE FOOTAGE	15392 SF
% OF TOTAL PORTIONS OF BUILDING IN USE	0%

CITY CERTIFICATION OF ABANDONED BUILDING STATUS - 1105 LADY STREET

1105 LADY STREET	= 8039 SF
1111 LADY STREET	= 1005 SF
1304 LADY STREET - SUITE #2	= 1836 SF
TOTAL SQUARE FOOTAGE:	= 10880 SF
% OF TOTAL PORTIONS OF BUILDING IN USE BEFORE RENOVATION + TOTAL SQUARE FOOTAGE:	2841 / 10880 = 26.1%

REVISIONS	NO.	DATE	BY	DESCRIPTION
<p>THIS DRAWING AND THE DESIGN THEREON ARE THE PROPERTY OF ARCHITECTS AND ASSOCIATES, LLC. THE APPLICANT'S EXPRESS OR IMPLICIT USE OF THIS DRAWING WITHOUT THEIR WRITTEN CONSENT IS EXPRESSLY PROHIBITED.</p>				
				
<p>1201 MAIN STREET SUITE 1200 COLUMBIA, SC 29201 Phone: 803.748.1245 www.architects.com</p>				
PROJECT NO. 200-12				
DRAWN BY: KS				
DESIGNED BY: DS				
CHECKED BY: DS				
1115 LADY STREET COLUMBIA, SC 29201				
PROJECT TITLE				
SHEET TITLE				
CITY CERTIFICATION OF ABANDONED BUILDING STATUS DIAGRAM				
DWG. TYPE OF INFO				
DATE: 11 FEB 2020				
SHEET NO.				
A101				



January 29, 2020

SCDOR
Abandoned Building Credit Notice
Research & Forms Development
Columbia, SC 29214-0019

Re: NOTICE OF INTENT TO REHABILITATE – 1300 ASSEMBLY, LLC
RESTAURANT

To Whom It May Concern:

In accordance with the South Carolina Abandoned Buildings Revitalization Act (the "Act"), and particularly Section 12-67-140(B)(1) thereof, please accept this correspondence as 1300 Assembly, LLC's Notice of Intent to Rehabilitate with respect to the below-described building site. 1300 Assembly, LLC intends to rehabilitate such building site and to receive the income tax credit established by the Act in connection therewith. Below please find the remaining information required for inclusion within this Notice by Section 12-67-120(7) of the Act.

By way of background, the building site includes the old Moe Levy's and surrounding building located on the corner of Lady Street and Assembly Street in downtown Columbia. The site is composed of 3 directly contiguous lots and two adjoining abandoned buildings.

1300 Assembly, LLC intends to demolish the existing building, and redevelop the site into three separate units. Specifically, the three units will consist of a restaurant on the ground floor, apartments on floors 2 through 6, and a garage on the ground floor, spots in which will be leased separately to the tenants of the restaurant and the apartments. This Notice of Intent to Rehabilitate relates to the restaurant on the ground floor.

- A. Location of the Building Site
1105 Lady Street, 1115 Lady Street and 1304 Assembly Street, TMS #: R09013-05-10, R09013-05-09 and R09013-05-11
- B. Amount of Acreage Involved in the Building Site
Approximately 0.49
- C. Square Footage of Existing Building Involved in the Building Site
Total square footage existing at the abandoned building is 33,952. The unit comprising the restaurant will contain 3,000 square feet.

D. Estimated Rehabilitation Expenses to be Incurred in connection with Rehabilitation of the Building Site and the Construction of New Building

Total rehabilitations expenses for the entire new building are \$16,000,000. Total rehabilitation expenses for the restaurant are \$1,429,490. However, when limited by the 200% square footage limitation, rehabilitation expenses are \$1,290,213 for the purpose of calculating the credit. This notice pertains to the \$1,290,213.

E. Building to be Renovated

A portion of the above-referenced 33,952 square foot building existing on the three parcels located at 1105 Lady Street, 1115 Lady Street and 1304 Assembly Street.

F. New Construction

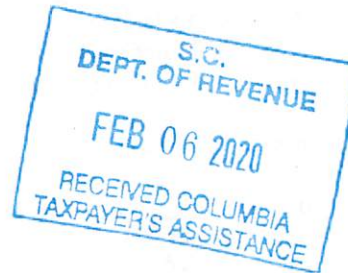
The existing building referenced above will be demolished, and a new 3,000 square foot unit, to be developed into a restaurant, will be constructed on a portion of the 0.49 acres. Additionally, part of the site will also be developed into a parking garage and apartments.

Very truly yours,



Ben Arnold
Managing Member
1300 Assembly, LLC

cc: Burnet R. Maybank, III, Nexsen Pruet, LLC
Andrew W. Saleeby, Nexsen Pruet, LLC



January 29, 2020

SCDOR
Abandoned Building Credit Notice
Research & Forms Development
Columbia, SC 29214-0019

Re: NOTICE OF INTENT TO REHABILITATE – 1300 ASSEMBLY, LLC
APARTMENTS

To Whom It May Concern:

In accordance with the South Carolina Abandoned Buildings Revitalization Act (the "Act"), and particularly Section 12-67-140(B)(1) thereof, please accept this correspondence as 1300 Assembly, LLC's Notice of Intent to Rehabilitate with respect to the below-described building site. 1300 Assembly, LLC intends to rehabilitate such building site and to receive the income tax credit established by the Act in connection therewith. Below please find the remaining information required for inclusion within this Notice by Section 12-67-120(7) of the Act.

By way of background, the building site includes the old Moe Levy's and surrounding building located on the corner of Lady Street and Assembly Street in downtown Columbia. The site is composed of 3 directly contiguous lots and two adjoining abandoned buildings.

1300 Assembly, LLC intends to demolish the existing building, and redevelop the site into three separate units. Specifically, the three units will consist of a restaurant on the ground floor, apartments on floors 2 through 6 (75,000 Sq. Ft.), and a garage on the ground floor, spots in which will be leased separately to the tenants of the restaurant and the apartments. **This Notice of Intent to Rehabilitate relates to the apartments on floors 2 through 6.**

- A. Location of the Building Site
1105 Lady Street, 1115 Lady Street and 1304 Assembly Street, TMS #: R09013-05-10, R09013-05-09 and R09013-05-11
- B. Amount of Acreage Involved in the Building Site
Approximately 0.49
- C. Square Footage of Existing Building Involved in the Building Site
Total square footage existing at the abandoned building is 33,952. The unit comprising the apartments will contain 75,000 square feet.

D. Estimated Rehabilitation Expenses to be Incurred in connection with Rehabilitation of the Building Site and the Construction of New Building

Total rehabilitation expenses for the entire new building are \$16,000,000. Total rehabilitation expenses for the apartments are \$12,351,626. However, when limited by the 200% square footage limitation, rehabilitation expenses are \$8,869,697 for the purpose of calculating the credit. This notice pertains to the \$8,869,697.

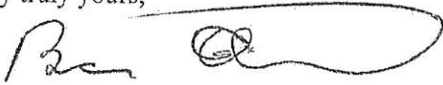
E. Building to be Renovated

A portion of the above-referenced 33,952 square foot building existing on the three parcels located at 1105 Lady Street, 1115 Lady Street and 1304 Assembly Street.

F. New Construction

The existing building referenced above will be demolished, and a new 75,000 square foot unit, to be developed into apartments, will be constructed on a portion of the 0.49 acres. Additionally, part of the site will also be developed into a restaurant and parking garage.

Very truly yours,



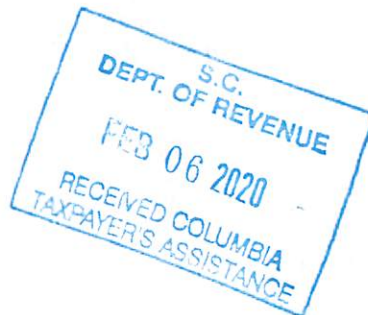
Ben Arnold
Managing Member
1300 Assembly, LLC

cc: Burnet R. Maybank, III, Nexsen Pruet, LLC
Andrew W. Saleeby, Nexsen Pruet, LLC



January 29, 2020

SCDOR
Abandoned Building Credit Notice
Research & Forms Development
Columbia, SC 29214-0019



Re: NOTICE OF INTENT TO REHABILITATE – 1300 ASSEMBLY, LLC
PARKING GARAGE

To Whom It May Concern:

In accordance with the South Carolina Abandoned Buildings Revitalization Act (the "Act"), and particularly Section 12-67-140(B)(1) thereof, please accept this correspondence as 1300 Assembly, LLC's Notice of Intent to Rehabilitate with respect to the below-described building site. 1300 Assembly, LLC intends to rehabilitate such building site and to receive the income tax credit established by the Act in connection therewith. Below please find the remaining information required for inclusion within this Notice by Section 12-67-120(7) of the Act.

By way of background, the building site includes the old Moe Levy's and surrounding building located on the corner of Lady Street and Assembly Street in downtown Columbia. The site is composed of 3 directly contiguous lots and two adjoining abandoned buildings.

1300 Assembly, LLC intends to demolish the existing building, and redevelop the site into three separate units. Specifically, the three units will consist of a restaurant on the ground floor, apartments on floors 2 through 6, and a garage on the ground floor, spots in which will be leased separately to the tenants of the restaurant and the apartments. **This Notice of Intent to Rehabilitate relates to the parking garage on the ground floor.**

- A. Location of the Building Site
1105 Lady Street, 1115 Lady Street and 1304 Assembly Street, TMS #: R09013-05-10, R09013-05-09 and R09013-05-11
- B. Amount of Acreage Involved in the Building Site
Approximately 0.49
- C. Square Footage of Existing Building Involved in the Building Site
Total square footage existing at the abandoned building is 33,952. The unit comprising the parking garage will contain 15,000 square feet.

DIVISION OF ARNOLD FAMILY CORPORATION • SERVICE SINCE 1955

700 GERVAIS STREET, SUITE 275 • COLUMBIA, SC 29201

PHONE (803) 731-4321 • FAX (803) 731-1381

- D. Estimated Rehabilitation Expenses to be Incurred in connection with Rehabilitation of the Building Site and the Construction of New Building
Total rehabilitation expenses for the entire new building are \$16,000,000. Total rehabilitation expenses for the parking garage are \$2,218,884. However, when limited by the 200% square footage limitation, rehabilitation expenses are \$1,522,498 for the purpose of calculating the credit. This notice pertains to the \$1,522,498.
- E. Building to be Renovated
A portion of the above-referenced 33,952 square foot building existing on the three parcels located at 1105 Lady Street, 1115 Lady Street and 1304 Assembly Street.
- F. New Construction
The existing building referenced above will be demolished, and one new 15,000 square foot unit, to be developed into a parking garage, will be constructed on a portion of the 0.49 acres. Additionally, part of the site will also be developed into a restaurant and apartments.

Very truly yours,



Ben Arnold
Managing Member
1300 Assembly, LLC

cc: Burnet R. Maybank, III, Nexsen Pruet, LLC
Andrew W. Saleeby, Nexsen Pruet, LLC