

# MEMORANDUM

**B & F**  
Agenda Item No. 2 (B)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

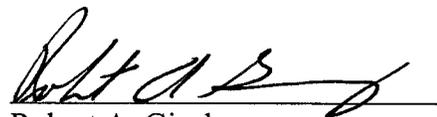
**DATE:** June 12, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** City of South Miami  
annexation

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The accompanying ordinance was prepared and placed on the agenda by the Board of County Commissioners.



Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

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**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:**

**SUBJECT:** City of South Miami Annexation

**FROM:** Steve Shiver  
County Manager

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The accompanying ordinance, approving changing the boundaries of the City of South Miami, will have a net fiscal impact of approximately \$89,000.

The County and the City of South Miami have agreed that the City will mitigate 100 percent of the net impact to the Unincorporated Municipal Services Area (UMSA) budget for the portion of the annexation area that lies within the identified Commercial/Business/Industrial (CBI) area and, pay the area's pro-rated share (\$6,700 per year for 22 years) of the Stormwater Utility Revenue Bonds debt service that would otherwise continue as an obligation to the residents of UMSA.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** April 22, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 13(G)

Veto \_\_\_\_\_

4-22-03

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SOUTH MIAMI, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING FOR RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THIS ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The municipal boundaries of the City of South Miami are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of South Miami of the following property:

**Annexation by the City of South Miami-Dade County Attorney's Office**

**Legal Description**

**[To be distributed at a later date]**

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encompassing an area described by Resolution No. 68-02-11417, passed and adopted by the Commission of the City of South Miami, which resolution is made a part hereof by reference.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County (Ordinance Nos. 61-8 as amended, 70-84 as amended, and 70-85 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County (Ordinance No. 96-30 as amended), this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. This Ordinance shall be effective only if the City of South Miami executes a duly authorized interlocal agreement wherein it agrees to (a) make an annual mitigation payment to the County's Municipal Services Trust Fund (b) pay Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service

estimated at \$6,700 per year for approximately 22 years and (c) abide by the Downtown Kendall Urban Center District, pursuant to Sec. 33-284.55, et seq. of the Code of Miami-Dade County, Florida. The interlocal agreement shall be approved by resolution of the Board of County Commissioners.

Section 5. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 6. This ordinance does not contain a sunset provision.

Section 7. The provisions of this ordinance shall take effect only if approved by a majority vote of the electors voting in an election to be called by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

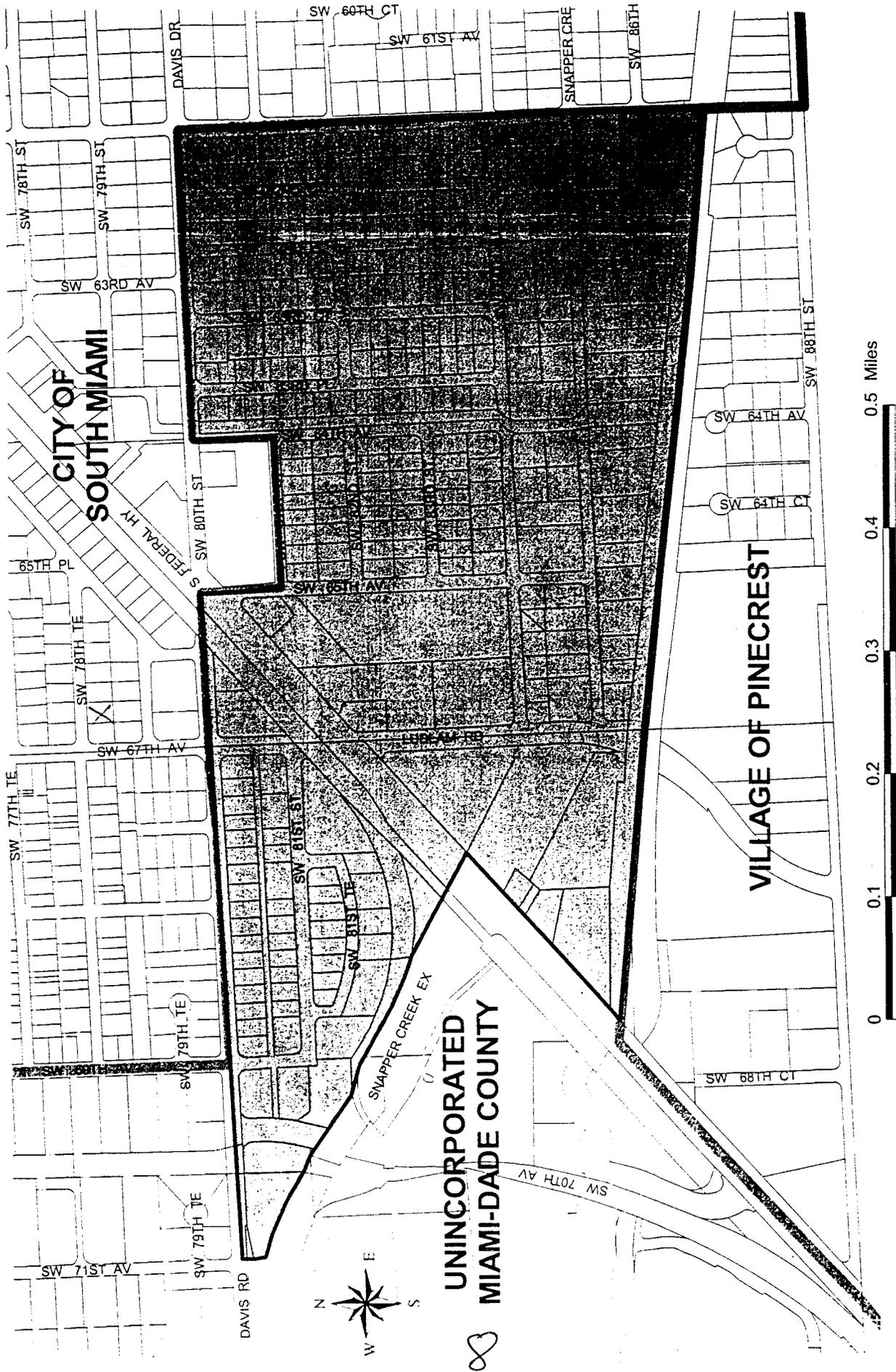
CJD

Cynthia Johnson-Stacks

Sponsored by the Board of County Commissioners

Legal description to be supplied at a later date.

# City of South Miami SNAPPER CREEK ANNEXATION AREA (PROPOSED)



**CITY OF  
SOUTH MIAMI**

**VILLAGE OF PINECREST**

**UNINCORPORATED  
MIAMI-DADE COUNTY**



RESOLUTION NO. 68-02-11417

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA APPROVING PROPOSED MUNICIPAL BOUNDARY CHANGES BY ANNEXING THE UNINCORPORATED SNAPPER CREEK AREA INTO THE CITY OF SOUTH MIAMI; AND REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY TO EFFECT BY ORDINANCE THE PROPOSED BOUNDARY CHANGES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 5.04 of the Miami-Dade County Home Rule Charter and Section 20-4 of the Code of Miami-Dade County, Florida any individual or group desiring a proposed boundary change to any municipality may initiate the same together with duly certified resolution of the governing body of the municipality involved approving such proposed boundary change; and,

WHEREAS, a group of resident voters representing more than required number of electors necessary to initiate an annexation , as set forth in Section 20-3(H) of the Code of Miami-Dade County, have submitted petitions to the City of South Miami, supporting the proposed boundary change; and

WHEREAS, pursuant to policies set forth in the its Comprehensive Plan the City of South Miami has reviewed the appropriateness of the submitted annexation request specifically to determine the levels of service to be provided, the cost of annexation to the taxpayers, revenue estimates, expenditures, consistency and compatibility of development patterns and the contiguity of proposed boundaries; and

WHEREAS, pursuant to Section 20-4 of the Code of Miami-Dade County the City of South Miami City Commission at its meeting on May 21, 2002, conducted a public hearing on the proposed annexation after giving written notice to all owners of property within the annexation area and within 600 feet of the annexation area; and

WHEREAS, the Mayor and City Commission of the City of South Miami wish to change the boundaries of the City by annexing the unincorporated area as more particularly described in the legal description included herein and as depicted on the map attached hereto as Exhibit "A"; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1: The above recitals are true and correct and are incorporated herein by reference.

Section 2: That the proposed municipal boundary change as depicted on the map attached hereto as Exhibit "A"; and as more particularly set forth in the following legal description, is hereby approved.

Legal Description

All of the SW  $\frac{1}{4}$  of Section 36-54-40 lying north of the centerline of the Snapper Creek Canal, except the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36-54-40; that portion of the

(2)



SE ¼ of Section 35-54-40 lying north of the northern edge of the Snapper Creek Expressway, north of Dixie Highway (US1), and east of the extension of S.W. 71<sup>st</sup> Avenue; that portion of the SE ¼ of Section 35-54-40 lying north of the centerline of the Snapper Creek Canal, and southeast of Dixie Highway (US1).

**Section 3:** That the City of South Miami hereby requests the Board of County Commissioners of Miami-Dade County Florida, pursuant to Section 5.04 of the Home Rule Charter of Miami-Dade County, to effect annexation of the properties legally described herein and as depicted on the attached map as Exhibit "A", which is made a part hereof.

**Section 4:** That this Resolution shall become effective immediately upon its adoption by vote of the Mayor and City Commissioners.

**Section 5:** That certified copies of this resolution shall be provided to representatives of the subject annexation area and to the appropriate officials of Miami-Dade County.

PASSED AND ADOPTED this 21<sup>st</sup> day of May, 2002

ATTEST:

APPROVED:

Ronetta Taylor  
CITY CLERK

Julia Robaina  
MAYOR

READ AND APPROVED AS TO FORM:

Commission Vote: 5-0  
Mayor Robaina: Yea  
Vice Mayor Russell: Yea

John G. Gallup  
CITY ATTORNEY

Commissioner Feliu: Yea  
Commissioner Bethel: Yea  
Commissioner Wiscombe: Yea