

MEMORANDUM

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

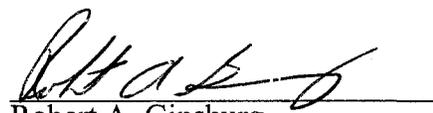
TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 12, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution calling special
election with regard to annexation
to the City of South Miami

The accompanying resolution was prepared and placed on the agenda at the request of the County Commission.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

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.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING WITHIN THE FOLLOWING AREAS THE QUESTION OF WHETHER THE ABOVE DESCRIBED AREAS SHOULD BE ANNEXED TO THE CITY OF SOUTH MIAMI: NORTH: SW 80 STREET; EAST: SW 62 AVENUE; SOUTH: SNAPPER CREEK CANAL; WEST: THEORETICAL SW 71 AVENUE, EXCLUDING THAT PART LYING SOUTHERLY OF SNAPPER CREEK EXPRESSWAY AND WESTERLY OF SOUTH DIXIE HIGHWAY, AND EXCLUDING THAT PART LYING NORTH OF 81 STREET BETWEEN SW 65 AVENUE AND SW 64 AVENUE

WHEREAS, on _____, this Board passed Ordinance No. _____ entitled: 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 THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY; AND PROVIDING AN EFFECTIVE DATE; and

WHEREAS, such ordinance provides that it shall take effect only if approved by a majority vote of the electors residing within the area and voting in an election to be called by this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of the Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held within the boundaries of the area described in this Resolution on Tuesday, _____, for the purpose of submitting to the qualified electors residing in therein the question of whether the area described in this Resolution should be annexed to the City of South Miami. The boundaries of the unincorporated area proposed for annexation to the City of Coral Gables are:

**CITY OF SOUTH MIAMI
SNAPPER CREEK ANNEXATION**

Legal Description

All that part of the Southwest 1/4 of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, lying North of the existing Northerly municipal boundary of the Village of Pinecrest which is the centerline of the Snapper Creek (C-2) Canal according to Miami-Dade County Ordinance 95-207;

LESS and excepting that portion thereof previously included within boundaries of the City of South Miami more particularly described as: the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Southwest 1/4 of Section 36, Township 54 South, Range 40 East, also known and described as "Fuchs Park".

-AND-

A portion of the Southeast 1/4 of Section 35, Township 54 South, Range 40 East in Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of said Southeast 1/4 of said Section 35; thence run Westerly along the North line of the Southeast 1/4 of said Section 35 (*centerline of SW 80th Street*) to it's point of intersection with the Northerly extension of the West line of Tract "F" of DADELAND NORTH METRORAIL STATION according to the plat thereof recorded in Plat Book 147 at Page 55 of the Public Records of Miami-Dade County Florida; thence Southerly along said Northerly extension of said West line of said Tract "F", and along said West line of said Tract "F", and along the Southerly extension of said West line of said Tract "F" to the Southerly limited access right-of-way line of State Road 878 (*Snapper Creek Expressway*) according to the Right of Way Map thereof recorded in Plat Book 88 at Page 74 of the Public Records of Miami-Dade County; thence Southeasterly, following said Southerly limited access right-of-way line of State Road 878 to it's point of intersection with the Northwesterly right-of-way line of State Road 5 (*U.S. Highway No. 1*); thence Southwesterly along said Northwesterly right-of-way line of State Road 5 to it's intersection with the centerline of the Snapper Creek (C-2) Canal; thence Southeasterly along said centerline of the Snapper Creek Canal and the Northerly municipal boundary of the Village of Pinecrest according to Miami-Dade County Ordinance 95-207, to the East line of said Southeast 1/4 of said Section 35; thence Northerly along said East line of said Southeast 1/4 of Section 35 (*centerline of SW 67th Avenue*) to the **POINT OF BEGINNING**.

Section 2. Notice of such special election shall be published in accordance with

Section 100.342, Florida Statutes, 2000.

5

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing within the said area voting at such special election. All qualified electors residing with the said area shall be entitled to vote at said special election.

Section 4. The County registration books shall remain open at the Office of the Dade County Supervisor of Electors until twenty-nine (29) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws.

Section 5. Mailed ballots, as prescribed by the Code of Miami-Dade County, shall be used in this special election. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in said district, at least ten (10) calendar days prior to the date of said special election.

Section 6. The question which shall appear on the ballot shall be in substantially the following form:

ANNEXATION TO THE CITY OF SOUTH MIAMI

SHALL THE AREA WITHIN THE BOUNDARIES DESCRIBED
BELOW BE ANNEXED TO THE CITY OF SOUTH MIAMI?

North: SW 80 Street
East: SW 62 Avenue
South: Snapper Creek Canal
West: theoretical SW 71 Avenue, EXCLUDING that part
lying Southerly of Snapper Creek Expressway and
Westerly of South Dixie Highway, and EXCLUDING that
part lying North of 81 Street between SW 65 Avenue and
SW 64 Avenue

YES

NO

Section 7. Such question shall appear of the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote "NO".

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, and in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

