



## MEMORANDUM

Agenda Item No. 4(O)

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

(Public Hearing 10-7-03)  
**DATE:** September 9, 2003

**FROM:**   
County Manager

**SUBJECT:** Ordinance Creating the  
Silver Palms Community  
Development District

### RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Silver Palms Community Development District (CDD) in unincorporated Miami-Dade County, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes, subject to acceptance of the declaration of restrictive covenants running with the lands within the jurisdiction of the CDD.

### BACKGROUND

F & H Development L.L.C., owner of the Silver Palms Development, has filed an application to create the Silver Palms CDD in connection with said development. Silver Palms is a 47.89-acre residential development lying wholly within unincorporated Miami-Dade County, in the area bounded by Homestead Extension to Florida's Turnpike on the east, S.W. 232 Street (Silver Palm Drive) on the south, S.W. 109 Avenue on the west and theoretical S.W. 228 Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure, facilities and services, along with certain ongoing operations and maintenance for the Silver Palms development. The development plan for the lands within the proposed CDD include construction of 201 single family units, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$5.336 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by F & H Development L.L.C. In accordance with Florida Statute 190, F & H Development L.L.C. has paid a filing fee of \$15,000 to the County.

A declaration of restrictive covenants will be proffered at public hearing by the owner of the lands within the CDD jurisdiction, providing for notice in the public records of the projected taxes and assessments to be levied by the CDD, and providing for individual prior notice to the initial purchaser of a residential lot or unit within the development. The document shall also include provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

The roads within this development are all public and are to be maintained by Miami-Dade County. A special taxing district will be created to maintain a lake, lake access tracts and certain landscape areas within or accessible from public roadways should the CDD decide not to provide these services or be dissolved or fail to fulfill these maintenance obligations. The special taxing district will remain dormant until such time as Miami-Dade County determines that the CDD is not providing service.

**FISCAL IMPACT**

The creation of the Silver Palms Community Development District will have no fiscal impact on Miami-Dade County other than the normal maintenance of the roads, drainage and water and sewer facilities dedicated to the County.



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** October 7, 2003

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

**SUBJECT:** Agenda Item No. 4(O)

**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. 4(O)

Veto \_\_\_\_\_

10-7-03

Override \_\_\_\_\_

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

ORDINANCE GRANTING PETITION OF F&H DEVELOPMENT L.L.C., (“F&H” OR “PETITIONER”) FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFERRED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

**WHEREAS**, Article VIII, section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

**WHEREAS**, F&H Development L.L.C., (“F&H” or “Petitioner”) has petitioned for the establishment of the Silver Palms Community Development District (the “District”); and

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**WHEREAS**, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; and

**WHEREAS**, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

**WHEREAS**, the Board of County Commissioners finds that the statements contained in the Petition are true and correct; and

**WHEREAS**, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

**WHEREAS**, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

**WHEREAS**, the creation of the District is the best alternative available for delivering the community development facilities and services to the area that will be served by the District; and

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**WHEREAS**, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

**WHEREAS**, the area that will be served by the District is amenable to separate special-district government; and

**WHEREAS**, the owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential parcels with notice of liens and assessments applicable to such parcels, with certain remedial rights vesting in the purchasers of such parcels if such notice is not provided in a timely and accurate manner; and

**WHEREAS**, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

**WHEREAS**, the Miami-Dade County Board of County Commissioners finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the District have such powers,

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

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to establish the Silver Palms Community Development District over the real property described in Exhibit A attached hereto, which was filed by F&H Development L.L.C., a Florida limited liability company, on March 28, 2003 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein (Exhibit B).

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Carlos Herrera III

Maria E. Varela

Michael Oates

Sonia Oates

Xiomara Wiltz

Section 5. The name of the District shall be the “Silver Palms Community Development District.”

Section 6. The Silver Palms Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Silver Palms Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Silver Palms Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Miami-Dade County Board of County Commissioners hereby grants to the Silver Palms Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners on October 7, 2003, in connection with the petition.

Section 10. All bonds issued by the Silver Palms Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Silver Palms Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Silver Palms Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 13. Notwithstanding any power granted to the Silver Palms Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants proffered October 7, 2003 by the owners of the lands within the jurisdiction of the Silver Palms Community Development District, in connection with the petition submitted by F & H Development L.L.C. and approved herein.

Section 15. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

Section 17. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT**

The Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 18, Township 56 South, Range 40 East, Miami-Dade County, Florida.

AND

That Portion of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 17, Township 56 South, Range 40 East, lying Westerly of the following described Florida Turnpike Right-of-Way:

COMMENCE at the Southwest corner of said Section 17; Thence North  $89^{\circ}22'47''$  East along the South line of said Section, as a basis of bearings for 224.76 feet to the intersection with the Westerly Right-of-Way line of S.R. No. 821 (Florida's Turnpike) as shown on the Florida State Department of Transportation Right-of-Way map, Section No. 87005-2305, said point being the POINT OF BEGINNING of the herein described parcel of land; thence North  $00^{\circ}48'42''$  West along said West Right-of-Way line for 1332.49 feet to the North line of Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 17; thence North  $89^{\circ}16'30''$  East along the North line of Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 17 for 300.00 feet to the intersection with the Easterly line of said S.R. No. 821 (Florida's Turnpike); thence South  $00^{\circ}48'42''$  East for 1333.04 feet to the South line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 17; thence South  $89^{\circ}22'47''$  West for 300.00 feet to the POINT OF BEGINNING.

EXHIBIT "B"

**PETITION FOR ORDINANCE**

**FOR**

**SILVER PALMS  
Community Development District**

MARCH 28th 2003

Prepared by

*Special District Services, Inc.*  
11000 Prosperity Farms Road, Suite 104  
Palm Beach Gardens, Florida 33410

561-630-4922 -- Tele  
877-737-4922 -- Toll Free  
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IN RE: AN ORDINANCE TO ESTABLISH: )  
SILVER PALMS COMMUNITY )  
DEVELOPMENT DISTRICT )

PETITION

Petitioner, F & H DEVELOPMENT, L.L.C., (“Petitioner”), hereby petitions the Miami-Dade County Commission to establish a Community Development District (“District”) with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 47.89 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the external boundaries of the proposed District, which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District.

3. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Carlos Herrera III	7700 SW 68 <sup>th</sup> Terrace	Miami, Fla. 33143
Maria E. Varela	16215 NW 83 <sup>rd</sup> Court	Miami Lakes, Fla. 33016
Michael Oates	640 86 <sup>th</sup> Street	Miami Beach, Fla. 33141
Sonia Gates	640 86 <sup>th</sup> Street	Miami Beach, Fla. 33141
Xiomara Wiltz	910 West 33 <sup>rd</sup> Street	Hialeah, Fla. 33012

4. The proposed name of the District to be established is SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT (“SPCDD”).

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site.

6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. These are good faith estimates but are not binding on the Petitioner or the District and are subject to change

7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are 201 single family dwelling units. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes (except for powers regarding waste disposal or collection of any waste other than commercial or industrial), including the special powers provided by Section 190.012(1), Florida Statutes and Sections 190.012(2)(a), (d) and (f), (except for powers regarding waste disposal or collection of any waste other than commercial or industrial), Florida Statutes and Section 190.012(3), Florida Statutes.

10. The Petitioner is F & H DEVELOPMENT, L.L.C. whose address is 2189 West 60<sup>th</sup> Street, Suite 201 Hialeah, Florida 33016.

11. The property within the proposed District is amenable to operating as an independent special district for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

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**WHEREFORE**, Petitioner respectfully requests the Miami-Dade County Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT and;

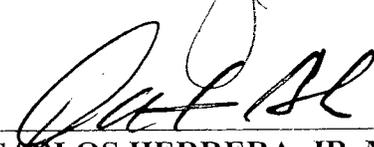
a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT.

Respectfully submitted this 28th day of MARCH, 2003.

**F & H DEVELOPMENT LLC**

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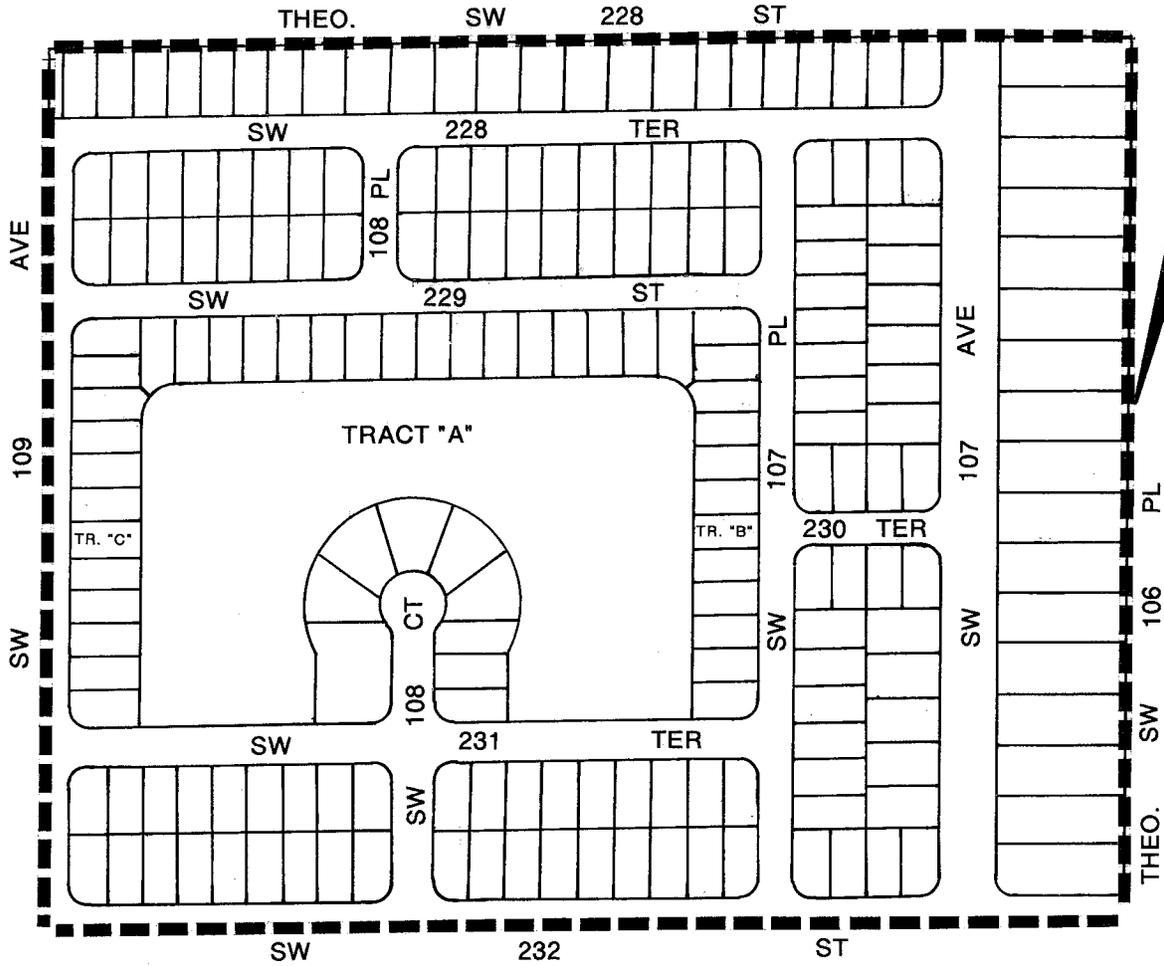
**JOSE FANO, MANAGER**



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**CARLOS HERRERA, JR. MANAGER**

# DISTRICT BOUNDARIES



S.R. #821 (H.E.F.T.) RW

## SILVER PALMS

COMMUNITY DEVELOPMENT DISTRICT



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