MEMORANDUM

Agenda Item No. 6(A)

(Second Reading 10-21-03)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 17, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of Hialeah; providing for the annexation of certain lands

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

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: October 21, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Fiscal Impact City of Hialeah Annexation

Annexation of the area identified in the application submitted by the City of Hialeah will result in a net revenue loss to the UMSA budget of approximately $32,000. It will also result in a gross revenue loss of $145,000 to the Fire District, inclusive of debt service, and a gross revenue loss of $27,000 to the Library System.

Since the City of Hialeah has agreed to continue to pay the annexation area's pro-rata share of the fire debt service until 2022 at the appropriate millage rate (currently at .079 mills or $4,000 per year), the impact on the Fire District is slightly reduced. The City will also continue to pay the annexation area's stormwater utility debt services estimated at $786 per year for the next twenty-two years.

MEMORANDUM

(Revised)

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

DATE: October 21, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(A)

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
Veto _____
Override _____

Agenda Item No. 6(A)
10-21-03

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF HIALEAH, 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 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 Hialeah are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Hialeah of the following property:

CITY OF HIALEAH
ANNEXATION
LEGAL DESCRIPTION

All of Section 17 and 20, Township 52 South, Range 40 East in Miami-Dade County, Florida, and those portions of Sections 16 and 21, Township 52 South, Range 40 East, lying Westerly of the City of Miami Lakes, Florida, the West boundary of said City of Miami Lakes being the East Limited Access right of way line of State Road No. 93 (I-75) as shown on the Florida State Department of Transportation Right-of-Way Map Section No. 87075-2402 dated December 1, 1978.

encompassing an area described by Ordinance No. 02-71 of the Mayor and City Council of the City of Hialeah which resolution is attached hereto (Attachment I) and 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. An existing agreement dated December 4, 1996 entitled "First Amended and Restated Interlocal Agreement between Metropolitan Dade County and Contract Cities for City Use of the County Solid Waste Management System" meets the requirement for a 20 year interlocal agreement for disposal.

Section 4. This ordinance shall be effective only if the City of Hialeah : (1) executes a duly authorized interlocal agreement wherein it agrees, among other things, to : (a) pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at $786 per year for approximately 22 years or as provided in the interlocal agreement, (b) pay to Miami-Dade County the Fire debt service at the appropriate millage rate (currently .079 mills or approximately $4000 per year) through the year 2022 or as provided in the interlocal agreement and (c) require approval of land uses and land development regulations outside Miami-Dade County's Urban Development Boundary to be consistent with the Miami-Dade County Comprehensive Development Master Plan (Master Plan) and that Miami-Dade County retains jurisdiction regarding applications to amend the Master Plan in that portion of the annexed area lying outside Urban Development Boundary, (2) adopts an ordinance which requires sellers or lessors to disclose in conspicuous type to prospective purchasers or lessees in conjunction of the sale or lease of real property within two miles of the Miami-Dade Lake Belt Area that mining activities involving the use of explosives occur within this area. and, (3) adopts by ordinance appropriate building and construction standards for the area affected by blasting.

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 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: RAG

Prepared by: CHC

Craig H. Coller

Sponsored by the Board of County Commissioners

ATTACHMENT I

ORDINANCE NO. 02-71

A Certified true copy of the Original Document on file with the City of Hialeah WITNESS my hand and Official Seal on SEP 25 2002

CITY CLERK
CITY OF HIALEAH, FLORIDA

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH, FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1"; AUTHORIZING THE MAYOR AND THE CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COUNTY COMMISSION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board recommended approval of a proposed annexation ordinance; and

WHEREAS, pursuant to state law, municipalities within the boundaries of Miami-Dade County shall follow the annexation methods established by Miami-Dade County; and

WHEREAS, pursuant to section 5.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County, Florida, the City of Hialeah may initiate, by ordinance, a proposed boundary change where there are 250 or fewer registered electors within the proposed annexation area and where the area is less than 50% developed residential; and

WHEREAS, the City of Hialeah finds that the foregoing threshold requirements for a city-initiated proposed boundary change are satisfied; and

WHEREAS, the City of Hialeah conducted duly noticed and advertised public hearings coinciding with the first reading and second reading of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The recitations and facts contained in the preamble to this resolution are hereby adopted and incorporated by reference thereto as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, hereby approves the changes, extension and enlargement of the municipal boundaries of the City of Hialeah, Florida, and the amendment of the Charter of the City of Hialeah, Florida, to effect such change, by the annexation to the City of Hialeah of property shown on an accompanying map and legally described in Composite Exhibit "1", attached hereto and made a part hereof.

Section 3: The City Council of the City of Hialeah, Florida, hereby requests that the Board of County Commissioners of Miami-Dade County, Florida, adopt an ordinance changing, extending, and enlarging the City's municipal boundaries as approved by the City of Hialeah and as described in the legal description set forth in Composite Exhibit "1".

Section 4: The Mayor and the City Clerk and all such other City officials and officers are hereby authorized and directed to take all action and to execute such certificates, documents and agreements as may be deemed necessary or desirable in

connection with the submission of the request for such boundary change to the Board of County Commissioners of Miami-Dade County, Florida, for approval.

Section 5: The City Clerk is hereby authorized and directed to transmit three certified copies of the Ordinance, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by the attachments as required by Section 20-3 of the Code of Miami-Dade County, Florida.

Section 6: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 8: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 9: **Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of September, 2002.

Julio Robaina
Council President

Attest:

Approved on this 25th day of SEPTEMBER, 2002.

Daniel F. DeLoach, City Clerk

Mayor Raul L. Martinez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with COuncilmembers Bovo, Casas, Gonzalez, Ponce, Robaina, Yedra and Zuniga voting "Yes".

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COMPOSITE EXHIBIT "1"

LEGAL DESCRIPTION

All of the West ½ of Section 16 in Township 52 South, Range 40 East, being bounded on the north by the South line of the West ½ of Section 9, bounded on the east by the Easterly Right-of-Way line of State Road 93 (I-75), as shown on the Florida State Department of Transportation Right-of-Way Map Section No. 87075-2402, bounded on the south by the North line of the West ½ of Section 21, and bounded on the west by the East line of Section 17, lying and being in Miami-Dade County, Florida;

AND

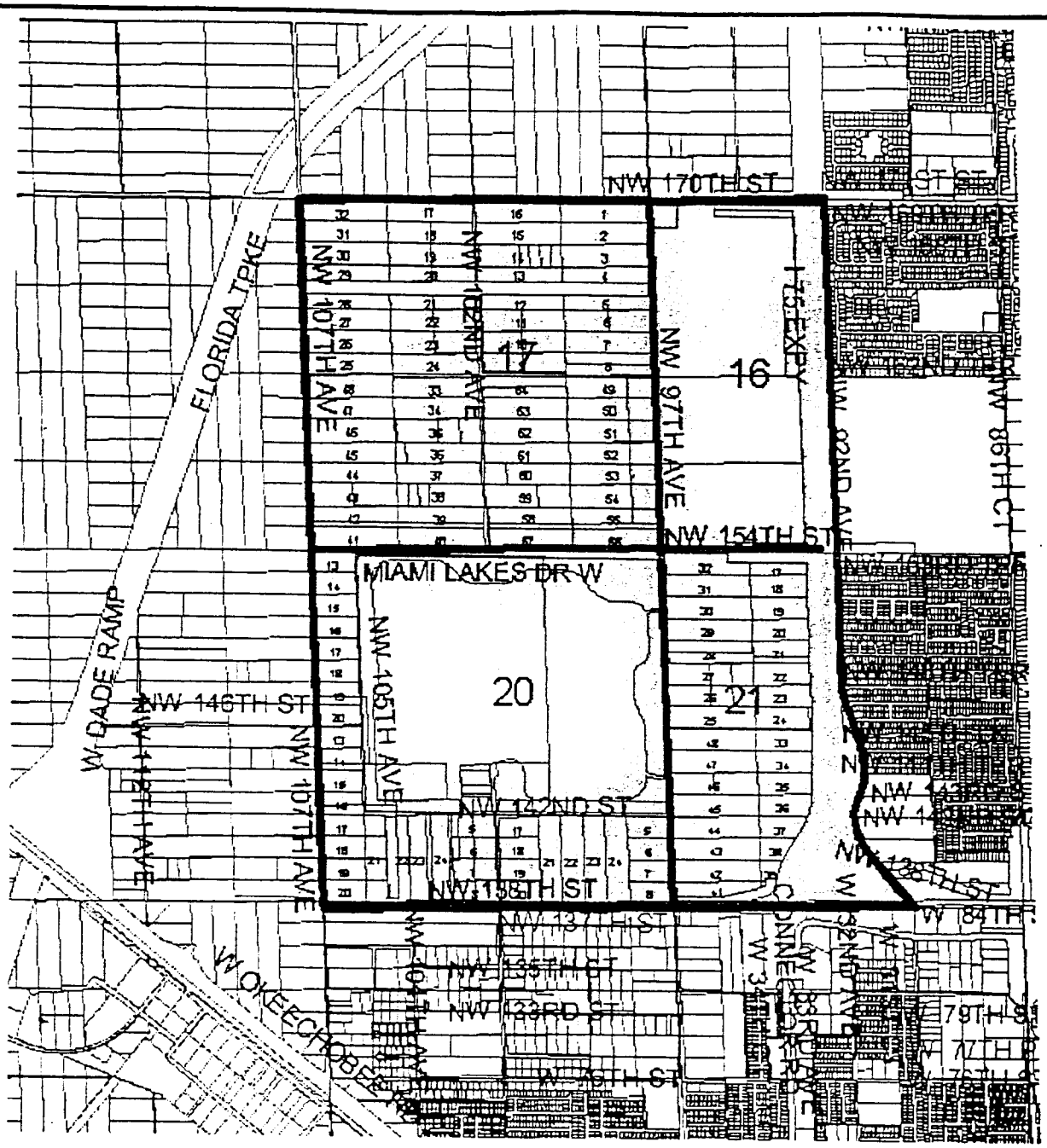
All of Section 17, Township 52 South, Range 40 East, including: Tracts 1 through 64, inclusive, of **FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1** in Section 17, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida;

AND

All of Section 20, Township 52 South, Range 40 East, including: Tracts 2, 3, 4 and 22, less those portions thereof lying within **RINKER LAKE**, as recorded in Plat Book 82, at Page 47, of the Public Records of Miami-Dade County, Florida, and all of Tracts 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, of **CHAMBERS LAND COMPANY SUBDIVISION**, in the Southwest ¼ of Section 20, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida; and all of Tract 13, 14, 15, 16, 17, 18, 19 and 20, of **CHAMBERS LAND COMPANY SUBDIVISION**, in the Northwest ¼ of Section 20, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida; and all of Tracts 5, 6, 7, 8, 17, 18, 19, 20, 21, 22, 23 and 24, of **CHAMBERS LAND COMPANY SUBDIVISION**, in the Southeast ¼ of Section 20, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida; and all of Tracts A, B, C, D, E, F, G and Lake area, of **RINKER LAKE**, according to the Plat thereof, as recorded in Plat Book 82, at Page 47, of the Public Records of Miami-Dade County, Florida;

AND

All of Section 21, Township 52 South, Range 40 East, less and except those portions thereof, lying East of the Easterly right-of-way line of State Road 93 (I-75), as shown on the Florida State Department of Transportation Right-of-Way Map Section No. 87075-2402, including: Tracts 17 through 48 inclusive, of **FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1** in Section 21, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.



PROPOSED ANNEXATION AREA

0.2 0 0.2 0.4 Miles

City of Hialeah GIS Program
August 2002
Prepared by I.B.