MEMORANDUM

Agenda Item No. 4(E)

(Public Hearing 1-20-04)

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

DATE: December 4, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Virginia Estates Street Lighting Special Taxing District

RECOMMENDATION

It is recommended that the Board approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Virginia Estates Street Lighting Special Taxing District.

BACKGROUND

Commission District:	Eight
Boundaries:	On the North, S.W. 296th Street; On the East, S.W. 169th Avenue; On the South, S.W. 297th Street; On the West, S.W. 170th Avenue.
Number of Parcels:	1 (Tentative plat proposes 10 buildable single family lots).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None – The petition was submitted by Ministerio Int'L El Rey Jesus, Inc., the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Type of Improvements:	The proposed installation of 10 – 9,500 lumen sodium vapor bracket-arm street lights mounted on concrete poles.
Required Referendum:	The creation of the district will be subject only to Board of County Commissioners approval; no election will be necessary as 100 percent of the owners signed the petition.

Preliminary Assessment Roll: Submitted on the same agenda as a separate agenda item for consideration and adoption by the Board of County Commissioners and contingent upon the Board's approval of this district's creation ordinance. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

Estimated Completion: November 2004.

ECONOMIC/FISCAL/HOUSING COSTS IMPACT ANALYSIS

Creation of this district will result in no economic impact on the County's budget. The creation of this district is a subdivision requirement pursuant to Chapter 28 of the Code of Miami-Dade County. The developer is required to fund the district's first year's lease of the equipment, electricity costs to operate the system, and cover all costs incidental to creation and administration incurred by Miami-Dade County. Furthermore, to install the street lighting as part of the development's infrastructure is the most effective, cost-saving, and least disruptive means of providing the improvement. Additional cost savings are realized from processing a district with a single owner (the developer) rather than trying to achieve a consensus from an established community through a special election.

After the first year, the economic impact on the private sector will be a perpetual annual special assessment for the cost of street lighting to all property owners within the district. The City of Homestead is the owner of the system and therefore will derive revenues from it.

At this time there will be no increase or decrease in County staffing due to this district. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

Estimated Initial Billing: November 2005. Assessment billed annually as an itemized portion of the annual tax bill.

	First Year	Second Year
Estimated Total District Cost:	$10,190	$2,040
Method Of Apportionment:	Front Footage	
Estimated Annual Assessments:		
Per Assessable Front Foot	Cost to be provided by the petitioners	$1.246
For A Typical Interior Lot		$155
For A Typical Corner Lot		$217

The annual assessments shown above are representative of costs for typical lots within this district.

State or Federal grants are not applicable to this special taxing district.

Each street lighting special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Creation of a new ordinance to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Chapter 28 of the Code to provide street lighting in new subdivisions through the creation of street lighting special taxing districts, and in compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with his recommendation that this district be created pursuant to Section 18-2 of the Code.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(E)

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. 4 (E)
1-20-04

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS VIRGINIA ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including street lighting and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefore; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the VIRGINIA ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing street lighting to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the street lighting improvements to be provided and maintained within the proposed district, an estimate of the cost of constructing such improvements, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district's improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each front foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch

showing the boundaries and location of the proposed district. Such Report and Recommendations of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owner/developer/petitioner and the report and recommendations of the County Manager -- said hearing was held on Tuesday, . Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code.

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district, to be known and designated as the VIRGINIA ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

> A portion of Section 7, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> The N ½ of the NE ¼ of the NW ¼ of the NE ¼ less the North 25.00 feet for Road; (A.K.A. Virginia Estates, Tentative Plat # T-21579).
>
> All the above lying and being in Miami-Dade County, Florida.

The area and location of this proposed special taxing district are shown on the map or sketch, which is made a part hereof by reference.

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

> The proposed installation of 10 – 9,500 lumen sodium vapor bracket-arm street lights mounted on concrete poles.

Section 4. The installation of such street lighting project will be accomplished pursuant to an Agreement between Miami-Dade County and the City of Homestead. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the first year is estimated to be $10,190 and shall be advanced by owner/developer/petitioner. The cost of furnishing electric energy to the street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the second year is estimated to be $2,040. The estimated cost per assessable front

foot of real property within the proposed district for the second year is $1.246. The succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The proposed Street Lighting Agreement between Miami-Dade County and the City of Homestead is hereby approved and made a part hereof by reference, and the County Manager or designee and the Clerk or Deputy Clerk of the County Commission are hereby authorized and directed to execute said Agreement for and on behalf of Miami-Dade County.

Section 7. The County Manager is authorized and directed to cause the installation of said street lights to be accomplished within the district in accordance with the provisions of said agreement and with the terms of this Ordinance.

Section 8. The County Manager is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are not paid, when due, the potential for loss of title to the property exists.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of 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.

Section 11. This Ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

James K. Kracht

REPORT AND RECOMMENDATIONS
ON THE CREATION OF VIRGINIA ESTATES
STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works Department Director concerning the creation of Virginia Estates Street Lighting Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed district is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

> A portion of Section 7, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> The N ½ of the NE ¼ of the NW ¼ of the NE ¼ less the North 25.00 feet for Road; (A.K.A. Virginia Estates, Tentative Plat # T-21579).
>
> All the above lying and being in Miami-Dade County, Florida.

The boundaries are shown on the attached plan entitled Virginia Estates Street Lighting Special Taxing District and hereinafter referred to as Exhibit A.

2. LOCATION OF THE INSTALLATIONS TO BE CONSTRUCTED

The facilities to be provided under the district will consist of the installation of sodium vapor bracket-arm street lights mounted on concrete poles located within the street right-of-way. The spacing of the street lights will be between approximately 185 and 220 feet.

3. ESTIMATED COST FOR THIS DISTRICT

As provided for under Section 18-2 of the Code, the property owners (the developer) within the proposed district shall guarantee payment of all costs and expenses incidental to the creation of such district and shall pay the entire cost of providing street lighting within the district for the first year. The City of Homestead will install the lights, poles and service lines at its expense. However, the special taxing district

(the developer) may be required to pay a differential cost if rapid construction techniques cannot be used on this project. This cost is estimated and shown as the Homestead Utility restoration cost in the district's cost estimate.

4. ESTIMATE OF THE ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT

The facilities provided will remain the property of the City of Homestead which will be responsible for the maintenance of the light standards, fixtures, lamps, and all connecting service lines. The cost of street lights in this district will be continual and is based on a preliminary estimate using the City Homestead Street Lighting Rate Schedule approved by the Florida Public Service Commission, a copy of which is attached. The district will pay the City of Homestead a monthly rental fee on each installation. There will be 10 lights and 10 pole rentals served by underground wiring for an annual cost of $1,690 for the first and second years.

As provided by Chapter 18 of the Code of Miami-Dade County, the petitioner shall advance the first year's estimated street light costs and pay all costs incurred to create and maintain the district for its first year of operation. The district's property owners shall pay these costs for the second and succeeding years. The engineering and administrative costs involved in establishing and maintaining the district are estimated to be $2,700 the first year and $100 the second year. The cost of handling the billing, collecting the assessment, and processing the payments to the City of Homestead is estimated to be $1,970 the first year and $150 the second year. Additionally, contingency funds in the amount of $1,330 the first year and $100 the second year are provided.

ESTIMATED ANNUAL COSTS

	First Year	Second Year
10 – 9,500 Lumen Sodium Vapor Luminaires on New Concrete Poles	$1,510	$1,510
Annual Fuel Adjustments (Based on 4,920 KWH at $0.0284 Per KWH)	140	140
Gross Receipts Tax (Based on 2.5 % of $1,650)	40	40
TOTAL STREET LIGHTING SERVICE COSTS	$1,690	$1,690
HOMESTEAD UTILITY RESTORATION COST	2,500	0
ENGINEERING & ADMINISTRATIVE COSTS*	2,700	100
BILLING, COLLECTING & PROCESSING COSTS*	1,970	150
CONTINGENCIES*	1,330	100
TOTAL COST COVERED BY PETITIONERS	$10,190	
TOTAL COST TO DISTRICT EACH YEAR THEREAFTER*		$2,040

*To be adjusted from actual experience.

5. PROCEDURE

Following the creation of the district by the Board of County Commissioners, and upon receipt of the payment by the developer of the total estimated cost for the first year as specified in Item 4 above, the County Manager shall cause the petitioner's plat to be placed on a Commission Agenda for acceptance and subsequent recordation.

Miami-Dade County may then enter into an agreement with the City of Homestead, form attached, wherein Miami-Dade County will pay to the City of Homestead any costs associated with the street light

installation, and monthly payments for the annual cost of the street light service estimated at $1,690 or approximately $141 per month. These amounts will be charged during the first year's operation against funds advanced by the petitioners. Based on front footage, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost each year thereafter.

6. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed district conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

7. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need for street lighting in Miami-Dade County is apparent. Residents and property owners of Miami-Dade County continue to demonstrate their desire for street lighting through numerous petitions and personal requests.

In my opinion, the proposed street lights will provide special benefits to property within the district exceeding the amount of special assessments to be levied.

8. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 4 above, each property owner along the lighted roadway will pay the County, through a special assessment, a proportionate share of the total annual cost the second year and each succeeding year thereafter. The annual assessments shown below are representative of costs for typical lots within this district.

Estimated Annual Assessments	**First Year**	**Second Year**
Per Assessable Front Foot	Cost to be provided by the petitioners	$1.246
For A Typical Interior Lot		$155
For A Typical Corner Lot		$217

These costs are based on a preliminary estimate of 1,637 total assessable front feet and will be adjusted from actual experience.

9. RECOMMENDATION

I recommend that Virginia Estates Street Lighting Special Taxing District be created pursuant to Section 18-2 of the Code, which provides for the creation of special taxing districts for street lighting in new subdivisions. The creation of the district will be subject to Commission approval; no election will be necessary as 100 percent of the property owners signed the petition. Following adoption of the creation ordinance, it is further recommended that the Board adopt the district's Preliminary Assessment Roll Resolution. Adoption of this resolution will enable the Miami-Dade County Tax Collector to provide the funding necessary to administer the district, as well as provide funds for payment to the City of Homestead for the district's monthly power bills for the second and succeeding years. In the event actual costs are lower than the costs estimated, the Director of the Public Works Department or his designee shall adjust and decrease the front foot rate of assessment. In the event actual second year costs are higher than the costs estimated, the County Manager may, at his discretion, cause to be prepared a revised preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt the revised assessment roll. The ordinance creating the district shall take effect as provided by Chapter 18 of the Code of Miami-Dade County, Florida, ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the Board. My office will also be available to

answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Manager forward the attached report to the Board of County Commissioners after he has reviewed it and concurred with our findings.

Encls:
(1) Copy of Petition and Attachments
(2) Copy of the City of Homestead Street Lighting Rate Schedule
(3) Copy of Street Lighting Agreement Form
(4) Copy of Memo from Department of Planning and Zoning
(5) Copy of Summary of Report
(6) District Boundary Map (Exhibit A)

MEMORANDUM

TO: Kay M. Sullivan, Director
Office of the Clerk of the Board
Attn: Keith Knowles

DATE: July 23, 2003

FROM: Charles W. Small, Jr.
Acting Chief
Special Taxing Districts Division

SUBJECT: Virginia Estates
Street Lighting Special
Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-2 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	1
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

Pursuant to Section 18-2 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

cc: James Kracht

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MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Aristides Rivera, P.E., P.L.S.
Director
Public Works Department

FROM: James K. Kracht
Assistant County Attorney

DATE: July 29, 2003

SUBJECT: Virginia Estates Street Lighting
Special Taxing District

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient.

JKK/cg JKK/cg

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

7/16/03
Document Preparation Date

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following installation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concrete fiber glass or existing poles; landscape, lake, wall, entrance features and other maintenance services shall be more fully described on th attached Exhibit B. The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more full described on the attached Exhibit A.

Tentative Plat(s) Name(s) VIRGINIA ESTATES

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will b reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall b in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Ministerio Int'l	9353 SW 152 Ave.	N1/2 of NE1/4 of NW	30-7907-000-0010
El Rey Jesus, Inc.	Miami, FL 33196	1/4 of NE1/4 less N 25' for road 7-57-39	
Guillermo Maldonado		MORE FULLY	
Guillermo Maldonado		DESCRIBED ON	
President		THE ATTACHED	
		"EXHIBIT A"	
Mortgagee: N/A			

PLACE NOTARY STATEMENT AND STAMP HERE :

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY THAT on this day, before me, an officer duly qualified to take acknowledgments, personally appeared Guillermo Maldonado the President respectively of Ministerio Int'l El Rey Jesus a Florida Corporatio to me personally known or produced identification in the form of — Licence, and who executed the foregoing resolution and acknowledged before me that He executed the same for the purposes herein expressed. WITNESS my hand and seal in the county and state last aforesaid this July 17 day of 2003.

Joe Billini
Commission # DD079908
Expires Dec. 21, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

electricity to accommodate cleaning or repair of the apartment, and including the subsequent turn-off upon completion of repair or cleaning by the apartment owner/manager.

Section 3. That Section 28-256 "Street Lighting and Rental Outdoor Lighting Rates" of Chapter 28 "Utilities" of the Code of the City of Homestead is hereby amended by amending subsection (2) "Rental Charge – Rental Outdoor Lighting" (security type lighting) to read as follows:

Section 28-256. Street Lighting and Rental Outdoor Lighting Rates.

The following rates shall be charged for roadway and public property lighting and rental outdoor lighting for fixtures installed on existing city-owned poles. The rates set forth below may be adjusted periodically to reflect changes in maintenance, equipment and average energy cost to the city. There shall be no prorating of rental outdoor lighting charges.

. . .

(2) Rental Charge – Rental Outdoor Lighting

High Pressure Sodium Vapor
(Fixture type: Open bottom, cobra head, directional)

Fixture Type	*Lamp Initial Lumens*	*Lamp Watts*	*KWH/Mo Estimate*	*Monthly Rental Rate**
Open bottom	9,500	100	35	~~$ 6.90~~ $ 7.65
Cobra head	16,000	150	57	~~8.08~~ 9.76
Cobra head	27,500	250	121	~~10.72~~ 12.90
Cobra head	50,000	400	182	~~12.92~~ 17.64
Directional	16,000	150	57	~~8.08~~ 10.56
Directional	27,500	250	121	~~10.72~~ 13.41
Directional	50,000	400	182	~~12.92~~ 17.87

*plus power cost adjustment

When a pole is required and electric service is overhead, the monthly charge for each pole shall be:

Wood pole	$3.99
Concrete pole	4.92

Section 4. **Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Inclusion in the Code.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. **Savings.** Service charges for electric services which were provided prior to the effective date of this Ordinance shall continue to be due and owing at the rate which existed immediately prior to the effective date hereof, until fully paid.

Section 7. **Effective Date.** Following adoption on second reading, this ordinance shall become effective on October 1, 2001.

PASSED AND ADOPTED on first reading this 4TH day of SEPTEMBER, 2001.

GOVERNMENTAL ROADWAY LIGHTING AGREEMENT

Billing Account Number: _____

IN THIS AGREEMENT made this _____ day of _____, by and between _____

MIAMI-DADE COUNTY (PW-SLID)
(name and description of customer project)

it's successors and assigns (hereinafter referred to as "Customer") and the City of Homestead, Florida, a municipal corporation organized and existing under laws of the State of Florida (hereinafter referred to as "City"), in accordance with the following terms and conditions, the Customer requests from the City the following installation, removal or modification of roadway lighting facilities along _____

_____
(General description of boundaries)

located in _____, Florida.
(City / County)

Installation / Removal of City owned facilities described as follows:

Install Quantity	Fixture Rating **(Lumens)**	Lamp Type **(HPSV, etc.)**	**Remove Quantity**	Fixture Rating **(Lumens)**	Lamp Type **(HPSV, etc.)**
		HPSV			

Quantity **I=Installed R=Removed**	Pole Type **(Wood, etc.)**	Underground Conductors			
		Feet Under Paving		**Feet Not Under Paving**	
	30' CONCRETE.				

Modification to existing facilities other that described above:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions herein set forth, the parties hereto covenant and agree as follows:

CITY AGREES TO:

1. Install or modify the roadway lighting facilities described and identified above (hereinafter called the Roadway Lighting System).

2. Furnish to the Customer the electric energy necessary for the operation of the Roadway Lighting System, and furnish such other services specified in this Agreement, all in accordance with the terms of the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

CUSTOMER AGREES TO:

3. Purchase from the City all electric energy consumed for the operation of the Roadway Lighting System.

4. Be responsible for the payment, when due, of all bills issued by the City pursuant to the City's currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority, for the electric energy, facilities and service furnished by the City in accordance with this Agreement.

5. Provide access, final grading and when requested ,good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all underground facilities within or near pole or trench locations, and appropriate plats necessary for planning and completing the construction of City facilities associated with the Roadway Lighting System.

6. Perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by the City to accommodate the roadway lighting facilities.

7. Pay a contribution in the amount of **$ 0.0** prior to the commencement of the requested installation or modification.

IT IS MUTALLY AGREED THAT:

8. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial ten (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. Such written notice shall be by certified mail and shall be given not less than ninety (90) days before the date of expiration of the initial ten(10) year term, or any extension thereof.

9. Modifications to the facilities provided by the City under this Agreement, other than for maintenance, may only be made through the execution of an additional Roadway Lighting Agreement delineating the modifications to be accomplished. Modification of City roadway lighting facilities is defined as the addition of roadway lighting facilities; the removal of roadway lighting facilities and the replacement of such facilities and /or additional facilities.

   Modifications will be subject to the costs identified in the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

10. At the request of the Customer, the City will relocate the roadway lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such requested relocation of City roadway lighting facilities. Payment shall be made by the Customer in advance of any relocation.

11. The City may, at any time, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.

12. In the event roadway lighting facilities covered by this Agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for the payments to the City of an amount equal to the original installed cost of the facilities provided by the City under this Agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the City Finance Director) plus removal cost.

13. Should the Customer fail to pay any bills rendered and due pursuant to this Agreement or otherwise fail to perform the obligations contained in this Agreement, such obligations being material and going to the essence of this Agreement, the City, at any time thereafter, may cease to supply electric energy or service until the Customer has paid the bills due or has fully cured such other breach of this Agreement. Any failure of the City to exercise its rights hereunder shall not be waived of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by the City, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.

14. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy or by causes not under the control of the party thus prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of the City, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.

15. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the parties.

16. Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not continue a general waiver, or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect, nor shall either party be stopped to enforce or to seek relief from prior breach.

17. This Agreement constitutes the entire Agreement between the parties with respect to the facilities referenced herein and supersedes all prior Agreements or representations, either oral, written or otherwise between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by the City to any third parties.

18. This Agreement is subject to the General Rules and Regulations for Electric Service and the Ordinances of the City of Homestead, as they are now written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the General Rules and Regulations for Electric Services and the Ordinances of the City of Homestead, the provisions of the General Rules and Regulations shall control, as they are now written, or as they may be hereafter revised, amended or supplemented. If any term or provision of the Agreement shall be held invalid or unenforceable, the remaining terms and provisions of the Agreement shall remain in full force and effect and such invalid, illegal or unenforceable term or provision shall be deemed not to be a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective on the day and year first written above.

Charges and Terms Accepted:

	City of Homestead
_____	_____
Customer (Print or type name of Organization)	
By: _____	By: _____
Signature (Authorized Representative)	(Signature)
_____	_____
(Print or type name)	(Print or type name)
TITLE: _____	TITLE: _____

MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

SUMMARY OF THE REPORT
ON THE CREATION OF VIRGINIA ESTATES
STREET LIGHTING SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

In accordance with the requirements of Chapter 28 of the Code of Miami-Dade County, to provide street lighting in new subdivisions through the creation of a street lighting special taxing district, and in compliance with Chapter 18 of the Code, a petition signed by 100% of the owners of property embraced within the proposed district was presented.

The proposed district is located entirely within a portion of unincorporated Miami-Dade County, Florida, and its boundaries are set forth as follows:

On the North, S.W. 296th Street;
On the East, S.W. 169th Avenue;
On the South, S.W. 297th Street;
On the West, S.W. 170th Avenue.

The boundaries are shown on the attached plan entitled Virginia Estates and hereinafter referred to as Exhibit A.

The street lights to be provided under this district will consist of 9,500 lumen sodium vapor bracket-arm street lights mounted on concrete poles and served by underground wiring. The service provided by the City of Homestead includes electric energy, lamp replacement, replacement of damaged equipment, and all the operation and maintenance costs.

As provided for under Section 18-2 of the Code, the owners of property embraced within the proposed district shall guarantee payment of all costs and expenses incident to the creation of such district and shall pay the entire cost of providing street lighting within the district for the first year.

ESTIMATED ANNUAL COSTS

	First Year	Second Year
Annual Street Lighting Cost (Service Provided by the City of Homestead)	$1,690	$1,690
Homestead Utility Restoration Cost	2,500	0
Engineering & Administrative Cost	2,700	100

ESTIMATED ANNUAL COSTS (CONTINUED)

	First Year	Second Year
Billing, Collecting and Processing Costs	1,970	150
Contingencies	1,330	100
Total Amount To Be Advanced by Petitioners	$10,190	
Total Estimated Cost to District Each Year Thereafter		$2,040

ESTIMATED ASSESSMENTS

	First Year	Second Year
Per Assessable Front Foot	Cost to be provided by the petitioners	$1.246
Per Year For A Typical Interior Lot		$155
Per Year For A Typical Corner Lot		$217

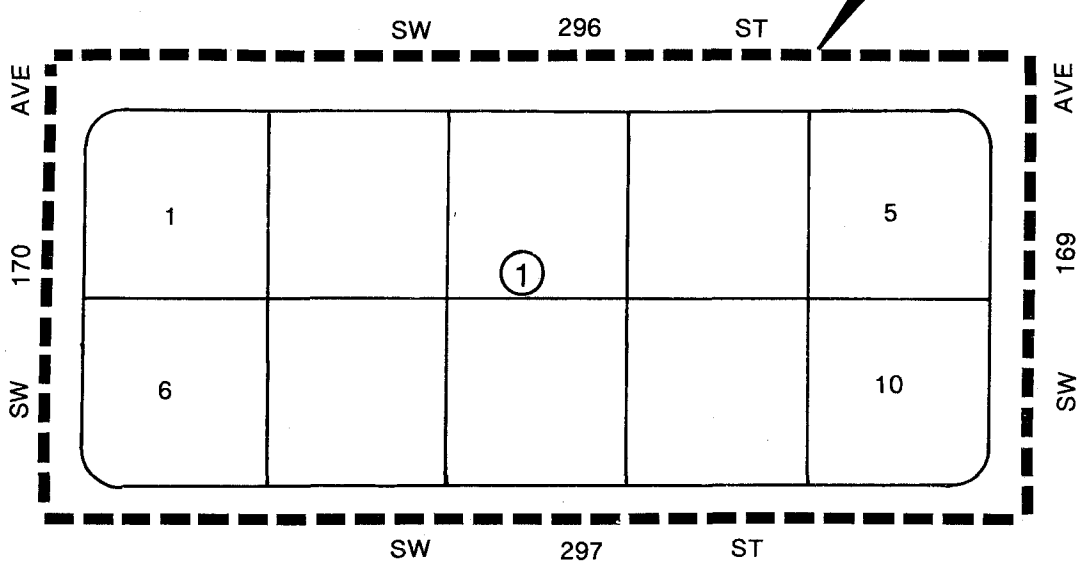
The annual assessments shown above are representative of costs for typical lots within this district.

The proposed district conforms with the Comprehensive Development Master Plan of Miami-Dade County and will provide benefits to all property within the district exceeding the total amount of special assessments to be levied.

The creation of the district will be subject to Commission approval, no election will be necessary as 100 percent of the owners herein signed the petition.

Attachment: Exhibit A

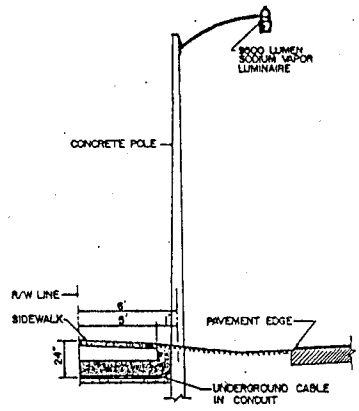
DISTRICT BOUNDARIES



VIRGINIA ESTATES

STREET LIGHTING
SPECIAL TAXING DISTRICT

10 – 9,500 LUMEN SODIUM VAPOR BRACKET-ARM STREET LIGHTS MOUNTED ON CONCRETE POLES, INSTALLED APPROX. 185-220 FEET APART ALONG ALL PUBLIC ROADWAYS WITHIN THE SPECIAL TAXING DISTRICT BOUNDARIES



TYPICAL UNDERGROUND INSTALLATION

L-973 (COMM. 0008)
SECTION: 7-57-39

EXHIBIT "A"