

# MEMORANDUM

Agenda Item No. 11(A)(17)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 5, 2005

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

**SUBJECT:** Resolution requiring all  
real property within  
educational facilities  
benefit districts to be  
subject to declaration of  
restrictive covenant

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The accompanying resolution was prepared and placed on the agenda at the request of Chairman Joe A. Martinez and Dr. Barbara Carey-Shuler.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 5, 2005

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**SUBJECT:** Agenda Item No. 11(A)(17)

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. 11(A) (17)  
4-5-05

RESOLUTION NO. \_\_\_\_\_

RESOLUTION REQUIRING ALL REAL PROPERTY LOCATED WITHIN EDUCATIONAL FACILITIES BENEFIT DISTRICTS ESTABLISHED IN MIAMI-DADE COUNTY AND OWNED BY APPLICANT TO BE SUBJECT TO DECLARATION OF RESTRICTIVE COVENANT; AUTHORIZING COUNTY MANAGER TO APPROVE FORM OF DECLARATION OF RESTRICTIVE COVENANT FROM TIME TO TIME; AND REQUIRING THAT EACH APPLICANT SUBMIT DECLARATION OF RESTRICTIVE COVENANT WITH APPLICATION REQUESTING APPROVAL FOR ESTABLISHMENT OF AN EDUCATIONAL FACILITIES BENEFIT DISTRICT

**WHEREAS**, this Board has the authority to consider applications for, and approve the establishment of, educational facilities benefit districts within the boundaries of Miami-Dade County (“County”) pursuant to Sections 1013.355-1013.365, Florida Statutes (“Act”); Section 1.01 (A) (21) of the County’s Home Rule Charter; Chapter 189, Florida Statutes; and Section 11 of Article VIII of the Florida Constitution; and

**WHEREAS**, this Board recognizes that there is a need to provide adequate and full disclosure about educational facilities benefit districts, including assessments, to all potential purchasers of real property owned by the applicant/developer located within an educational facilities benefit district prior to the execution of a purchase contract and the final sale of the real property; and

**WHEREAS**, the Board wishes to require, as a matter of policy in order to provide adequate and full disclosure to the public, that all real property owned by the applicant/developer located within an educational facilities benefit district established in the County be subject to a declaration of restrictive covenant in the form approved by the County Manager, from time to

time, after consultation with the County Attorney's office ("Declaration of Restrictive Covenant"); and

**WHEREAS**, it is also the desire of this Board that each applicant/developer submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of an educational facilities benefit district,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that all real property owned by an applicant/developer located within an educational facilities benefit district established within the boundaries of the County shall be subject to a Declaration of Restrictive Covenant and that each applicant shall submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of an educational facilities benefit district.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and Dr. Barbara Carey-Shuler 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:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Dorin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of April, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Gerald T. Heffernan