

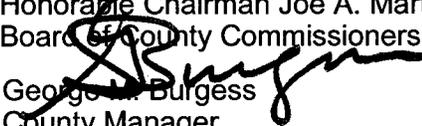
Memorandum

MIAMI-DADE
COUNTY

Date: (Second Reading 11-01-05)
September 22, 2005

Agenda Item No. 7(M)

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

From: 
George W. Burgess
County Manager

Subject: Ordinance approving the special sewer construction connection charge for buildings and properties within a certain area of Brickell Village

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance which will provide for the expansion of the local neighborhood sanitary sewers in the vicinity of Brickell Village. New developments will pay all of the costs of these sewer improvements through a surcharge to be assessed when the building permits are issued. The Board adopted two similar ordinances for buildings and properties in which the Miami-Dade Water and Sewer Department (MDWASD) billed and collected special construction connection charges from property owners successfully. On April 16, 1985, the Board adopted Ordinance No. 85-21 which approved a special construction connection charge in the area of 8 Street and Brickell Avenue. The same type of endorsement took place on April 22, 2003, when the Board adopted Ordinance 03-95 which approved a special construction connection charge in the vicinity of Downtown Kendall.

BACKGROUND

The Miami-Dade Water and Sewer Department (MDWASD) has determined that new gravity main facilities capable of providing sufficient capacity for the total anticipated growth within the specified area of Brickell Village will cost approximately \$1,282,000.00.

The Department will design and construct the new sewer facilities with its own funds and will be reimbursed by collecting a pro-rata share of the cost from each property owner who requests new or increased sewer service in this area. The Department will be paid in the form of a Brickell Basin Sewer Construction Charge at the time sewer service is requested. Properties and buildings in this area which are receiving sewer service on the effective date herein of this ordinance shall not be subject to payment of the Brickell Basin Sewer Construction Connection Charge, however, the charge shall be imposed for any additional sewer capacity furnished after said date.

The MDWASD estimates that future sewer customers in this area will require approximately 288,739 average daily gallons of system capacity which will be provided by the new facilities. The Brickell Basin Sewer Construction Charge shall be determined by dividing the total estimated cost of the new sewer facilities project (\$1,282,000.00) by the total estimated capacity of 288,739 gallons per day which results in \$4.44 per gallon.

The MDWASD will collect the Brickell Basin Sewer Construction Connection Charge from property owners and developers who receive sewer service from the new facilities and will require payment of said charge as a condition of sewer service.

Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners
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Payment of the charges will be required with the execution of an agreement with the County for said service or in the absence of such an agreement prior to the MDWASD's issuance of a "Verification Form" for building permit issuance and prior to the issuance of a building permit. Failure to pay such charge as required shall constitute a lien on the property.



Assistant County Manager

Memorandum

MIAMI-DADE
COUNTY

Date: November 1, 2005

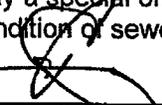
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Authorizing and Approving a Special Sewer Construction Connection Charge for Buildings and Properties within a certain area of Brickell Village

This ordinance relating to special sewer construction connection charge for buildings and properties within certain areas of Brickell Village will have a positive fiscal impact on Miami-Dade County.

The Miami-Dade Water and Sewer Department is designing and building new sewer facilities to provide capacity in the local sewer system for anticipated growth in the 8 Street and Brickell Avenue area. This ordinance requires property owners who receive new or additional sewer service from the new facilities to pay a special one-time construction connection charge of \$4.44 per gallon. Payment of the charge is a condition of sewer service.


Assistant County Manager

fiscal08505



MEMORANDUM

(Revised)

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

DATE: November 1, 2005

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(M)

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. 7(M)

Veto _____

11-01-05

Override _____

ORDINANCE NO. _____

ORDINANCE AUTHORIZING AND APPROVING A SPECIAL SEWER CONSTRUCTION CONNECTION CHARGE FOR BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF BRICKELL VILLAGE; PROVIDING FOR COLLECTION OF SUCH SAID CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT; PROVIDING FOR UNPAID CHARGES TO BE A LIEN ON REAL PROPERTY; PROVIDING FOR SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, existing sewer facilities serving the area bounded by S.W. 11 Street to S.W. 15 Road and S.W. 18 Terrace to S.W. 18 Road with S.W. 1 Avenue serving as the southern boundary and the most northern section of S.W. 18 Road as the northern boundary and as more fully shown on the map attached hereto as Exhibit "A" and made a part hereof are inadequate to serve new buildings anticipated to be constructed within the area, or increased usage of existing building; and

WHEREAS, the Miami-Dade Water and Sewer Department (MDWASD) has determined that new gravity main facilities capable of providing sufficient capacity for the total anticipated growth of the area will cost approximately \$1,282,000.00; and

WHEREAS, the Department will design and construct the new sewer facilities with its own funds and will be reimbursed by collecting from each property owner who requests new or increased sewer service in this area, a pro-rata share of the cost in the form of a Brickell Basin Sewer Construction Connection Charge at the time sewer service is requested; and

WHEREAS, the MDWASD estimates that future sewer customers in this area will require approximately 288,739 average daily gallons of system capacity which will be provided by the new facilities; and

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WHEREAS, the Brickell Basin Sewer Construction Connection Charge shall be determined by dividing the total estimated cost of the new sewer facilities project by the total estimated capacity of 288,739 gallons per day,

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

Section 1. The recitals made above be, and the same are incorporated herein by reference.

Section 2. The Board hereby approves the imposition of the Brickell Basin Sewer Construction Connection Charge of \$4.44 per each average daily gallon of flow within the property at the time new or increased sewer service is requested for buildings and properties which will utilize the new gravity main facilities to be constructed by the MDWASD. This Brickell Basin Sewer Construction Connection Charge will be assessed for all properties in the area bounded by S.W. 11 Street to S.W. 15 Road and S.W. 18 Terrace to S.W. 18 Road with S.W. 1 Avenue serving as the southern boundary and the most northern section of S.W. 18 Road as the northern boundary receiving new or increased service after the effective date of this Ordinance.

Section 3. The MDWASD is hereby authorized and empowered to charge and collect the Brickell Basin Sewer Construction Connection Charge from property owners and developers who receive new or increased sewer service from the new facilities after the effective date herein and to require payment of said charge as a condition of sewer service. Payment of said charges shall be made prior to the issuance of a building permit.

Section 4. Properties and buildings in this area which are receiving sewer service on the effective date herein shall not be subject to payment of the Brickell Basin Sewer Construction Connection Charge, however, the charge shall be imposed for any additional sewer

capacity furnished after said date.

Section 5. The authority to charge and collect the Brickell Basin Sewer Construction Connection Charge shall terminate when the MDWASD has been reimbursed in full for actual project construction costs of the new facilities, including engineering costs.

Section 6. The Brickell Basin Sewer Construction Connection Charge shall be required in addition to other charges, including but not limited to the MDWASD's water and sewer standard connection charges.

Section 7. All Brickell Basin Special Sewer Connection Charges which remain unpaid sixty (60) days after the past due date shall become a lien against and upon the real property connecting to sewer system, to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said Brickell Basin Special Sewer Connection Charges, and interest accrued thereupon shall be, remain, and constitute a special assessment line equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved for the period of twenty (20) years from the date said charges become a lien as set forth in this section. Said liens may be enforced and satisfied by the County, on behalf of the Department, pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the County and Department, including but not limited to suspension and termination of water service. All such liens may be discharged and satisfied in accordance with the provisions of Section 32-94 (b) of the Code of Miami-Dade County, as may be amended from time to time.

Section 8. If any sections, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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Section 9. 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 10. This Ordinance shall be excluded from the code.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



David M. Murray

