

# Memorandum



**Date:** (Public Hearing 3-21-06)  
February 21, 2006

Agenda Item No. 5(A)

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

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** Portofino Villas West Multipurpose  
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 Portofino Villas West Multipurpose Special Taxing District, which will remain dormant until such time as the Homeowners Association fails to provide the required maintenance services.

## BACKGROUND

**Commission District:**

Eight

**Boundaries:**

On the North, N.E. 8<sup>th</sup> Street  
(S.W. 312<sup>th</sup> Street);  
On the East, theo. N.E. 21<sup>st</sup> Terrace  
(theo. S.W. 158<sup>th</sup> Avenue);  
On the South, theo. N.E. 3<sup>rd</sup> Street  
(theo. S.W. 316<sup>th</sup> Street);  
On the West, N.E. 20<sup>th</sup> Terrace  
(theo. S.W. 159<sup>th</sup> Avenue).  
(Miami-Dade County street numbering  
shown in parentheses).

**Number of Parcels:**

1 (Tentative plat proposes 211 buildable  
single family lots).

**Number of Owners:**

1

**Number of Owners With Homestead  
Exemption Signing Petition:**

None - The petition was submitted by  
Prime Homes at Villa Portofino West,  
Ltd., the sole property owner and de-  
veloper.

**Preliminary Public Meeting:**

None necessary.

**Type of Service:**

The creation of this district is requested to maintain entrance features, two lakes (Tracts E and M), exterior face of walls, and swale areas should the Homeowners Association fail to provide these services. Failure is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the public record.

**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:**

In the event that the Homeowners Association fails to provide the services described above, a hearing to adopt an assessment roll will be conducted in accordance with the procedures defined in Chapter 18 of the Code of Miami-Dade County.

**Estimated Completion:**

November 2007.

**ECONOMIC/FISCAL/HOUSING COSTS IMPACT ANALYSIS**

Creation of this district will result in no immediate economic impact on the County's budget. The creation of this district is required if maintenance is not provided by the Homeowners Association. Cost savings are realized from processing a district with 100% owner consent rather than trying to achieve a consensus from an established community through a special election.

In the event that the special taxing district is implemented, the economic impact on the property owners will be a perpetual annual special assessment for the cost of the maintenance program.

At this time there will be no increase or decrease in County staffing due to this district. Increases in staffing levels, to provide the service requirements created by the Portofino Villas West Multipurpose Special Taxing District, may be necessary in the future.

**Estimated Initial Billing:** November following adoption of the district's assessment roll.

	<u>First Year</u>	<u>Second Year</u>
<b>Estimated Total District Cost:</b>	\$29,000	\$22,900
<b>Method Of Apportionment:</b>	Square Footage	

<b>Estimated Annual Assessments</b>	<b><u>First Year</u></b>	<b><u>Second Year</u></b>
<b>Cost Per Square Foot:</b>	\$0.0420	\$0.0332
<b>Per Year For A Typical Interior Lot:</b>	\$130	\$103
<b>Per Year For A Typical Corner Lot:</b>	\$149	\$117

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

As required by the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this district be created pursuant to Section 18-22.1 of the Code.

  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** March 21, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 5(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

Agenda Item No. 5 (A)  
3-21-06

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO.

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS PORTOFINO VILLAS WEST MULTIPURPOSE 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 the 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 landscape improvement and maintenance programs, 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 therefor; 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 PORTOFINO VILLAS WEST MULTIPURPOSE 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 maintenance of entrance features, lakes, walls, and swale areas located within the public domain 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 maintenance programs to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district 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 square 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 PORTOFINO

VILLAS WEST MULTIPURPOSE SPECIAL TAXING DISTRICT is hereby created and established within the municipal limits of the City of Homestead, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of Homestead to create this special taxing district.

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

Portions of Section 17, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

That portion of the unnumbered parcel of “Amended Plat of Cocoplum Village” according to the plat thereof, as recorded in Plat Book 35 at Page 4 of the Public Records of Miami-Dade County, Florida, lying west of Canal C-103-1 right-of-way and lying north of Canal C-103-S right-of-way (a.k.a. Portofino Villas West, Tentative Plat #T-22250)./

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 service to be provided within this proposed special taxing district will initially consist of the following:

Maintenance of entrance features, two lakes (Tracts E and M), exterior face of walls, and swale areas should the Homeowners Association fail to provide these services. Failure is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the public record.

Section 4. The estimated cost to the property owners for the maintenance and operation of the district’s improvements and/or services including engineering, administration, billing, collecting and processing for the first year is \$29,000, and \$22,900 for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district is \$0.0420 for the first year, and \$0.0332 for the second year. The second and 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. Miami-Dade County, as administrator of this district's maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Manager's report which is made a part hereof by reference. If there is a proposed significant change to the level of services to be provided, the Park and Recreation Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of services.

Section 7. The County Manager is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the district in accordance with the provisions of this Ordinance. However, multipurpose maintenance services will be provided by the taxing district in accordance with the provisions of this ordinance only if a Homeowner's Association and, if applicable, a community development district, have failed to provide these maintenance services and the County has adopted this district's multipurpose maintenance assessment roll.

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 unpaid, 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 its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

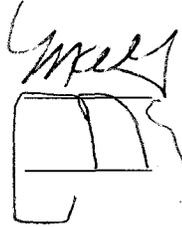
Section 11. This Ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

James K. Kracht

A handwritten signature in black ink, appearing to read "M. Kelly", is written above a rectangular stamp. The stamp has a horizontal line across its middle and some faint, illegible markings.

**REPORT AND RECOMMENDATIONS  
ON THE CREATION OF PORTOFINO VILLAS WEST  
MULTIPURPOSE 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 hereby submitted concerning the creation of Portofino Villas West Multipurpose Special Taxing District.

**1. BOUNDARIES OF THIS DISTRICT**

The proposed district is located entirely within the municipal limits of the City of Homestead, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of Homestead to create this special district per Resolution No. R-2005-04-58, a copy of which is attached, and the boundaries, as set forth in the petition, are as follows:

Portions of Section 17, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

That portion of the unnumbered parcel of "Amended Plat of Cocoplum Village" according to the plat thereof, as recorded in Plat Book 35 at Page 4 of the Public Records of Miami-Dade County, Florida, lying west of Canal C-103-1 right-of-way and lying north of Canal C-103-S right-of-way (a.k.a. Portofino Villas West, Tentative Plat # T-22250).

The boundaries are shown on the attached plan entitled Portofino Villas West Multipurpose Special Taxing District and hereinafter referred to as Exhibit A.

**2. LOCATION AND DESCRIPTION OF THIS DISTRICT**

The creation of this district is requested to provide the services specified below regarding maintenance of entrance features, two lakes (Tracts E and M), exterior face of walls, and swale areas. Service will commence following failure of the Homeowners Association to provide these services, and the City of Homestead requests Miami-Dade County to provide service. Miami-Dade County may activate the district by adoption of the district's Assessment Roll at a subsequent public hearing.

**3. ESTIMATED COST FOR THIS DISTRICT**

The proposed district is to be created to provide maintenance only in the event that the Homeowners Association fails to provide the services as described in Item 2 above. Following commencement of services

by the district, any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by Miami-Dade County as administrator. The deletion of services is subject to maintaining a minimum level of services as determined by the Miami-Dade County Public Works Department.

The County may elect, due to the location and type of maintenance required, to provide landscape maintenance services utilizing an open contract for swale maintenance when significant service cost savings can be realized.

A cost estimate developed by the Public Works Department, based on estimates previously provided by the Park and Recreation Department for similar maintenance taxing districts, indicates the annual cost for the initial maintenance program to be \$18,000 for the first and second years. In addition to that cost, it will be necessary for the County to recover the administrative, processing, billing, and advertising costs incurred in establishing and maintaining the district as provided by Chapter 18 of the Code, as well as provide for contingency and discount costs. This cost is estimated to be \$11,000 the first year and \$4,900 the second year. An annual meeting will be conducted with the owners of real property within the district as an integral part of the annual budget process. This will enable Miami-Dade County, as administrator, to secure suggestions from affected community representatives or association to improve delivery and lower costs of the services provided within the scope of the district's authorized functions as specified in Item 2 above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of assessment for any changes.

Miami-Dade County shall determine the minimum service level (property owners may not delete maintenance altogether).

**ESTIMATED ANNUAL COSTS**

	<b><u>First Year</u></b>	<b><u>Second Year</u></b>
Initial Annual Maintenance	\$18,000	\$18,000
Administrative, Processing, Billing and Advertising Costs	8,400	3,800
Contingency/Discount	<u>2,600</u>	<u>1,100</u>
Total Estimated Cost to District	\$29,000	\$22,900

The above costs are estimated and will be adjusted annually based on actual experience.

**4. 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).

**5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT**

The proposed maintenance program is desirable, needed and, in my opinion, provides special benefits to property within the district exceeding the amount of special assessment to be levied upon implementation of the district.

**6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY**

This district will be held dormant until such time as stated above. Shown below is an estimate of costs if service were to commence in 2007. These costs are included for report purposes only, actual costs to provide services will be determined and presented to the Board of County Commissioners at the assessment roll hearing. The combined cost of the maintenance program, processing and administrative expenses as shown in Item 3 above is to be paid for by special assessments levied against all benefited properties and is to be apportioned to individual properties within the district on the basis of lot or parcel square footage. The cost per assessable square foot to be assessed for this service is estimated as follows:

	<u>First Year</u>	<u>Second Year</u>
Estimated Total District Cost	\$29,000	\$22,900
Estimated Total Assessable Property Square Footage	690,000	690,000
Estimated Cost Per Square Foot of Property	\$0.0420	\$0.0332

**SAMPLE ASSESSMENTS**

Per Year For A Typical Interior Lot:	\$130	\$103
Per Year For A Typical Corner Lot:	\$149	\$117

The annual assessments shown above are representative of costs for typical lots within this district. These costs are based on the above estimated total assessable property square footage and will be adjusted based on costs of services provided at the time of district implementation.

**7. RECOMMENDATION**

I recommend that this district be created pursuant to Section 18-22.1 of the Code, as 100% of the property owners have signed the petition and no referendum is required. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Portofino Villas West Multipurpose Special Taxing District. Pursuant to Section 18-22.1 of the Code, the Board shall receive and hear, at a public hearing, remarks by interested persons on this district, and thereafter may adopt such ordinance. Following failure of the Homeowners Association to provide these services, the Board shall adopt the district's assessment roll to fund these services. Adoption of an assessment resolution will enable the Miami-Dade County Tax Collector to provide the funding necessary to reimburse affected County Agencies involved in the creation and establishment of this district, as well as operate and maintain this district. The ordinance creating the district shall take effect 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 this 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 Resolution from the City of Homestead
  - (3) Copy of Memo from Department of Planning and Zoning
  - (4) District Boundary Map (Exhibit A)

# Memorandum



**Date:** October 11, 2005

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

**From:**   
Donald L. Tock, Jr.  
Acting Chief  
Special Taxing Districts Division

**Subject:** Portofino Villas West Multipurpose  
Special Taxing District

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In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 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                                     | <u>1</u>    |
| 2. | Total number of owners of property within district boundaries                                  | <u>1</u>    |
| 3. | Total number of resident owners within district boundaries<br>(this is a new subdivision area) | <u>0</u>    |
| 4. | Total number of signatures on the petition   | <u>1</u>    |
| 5. | Total number of owners or representatives signing the petition<br>in an official capacity      | <u>1</u>    |
| 6. | Percentage of owners or representatives signing the petition<br>in their official capacity     | <u>100%</u> |

Pursuant to Section 18-22.1 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



**MIAMI-DADE COUNTY  
PUBLIC WORKS DEPARTMENT  
SPECIAL TAXING DISTRICTS DIVISION**

9-9-05  
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, entrance features and wall maintenance services (landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) Portofino Villas West

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 be reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall be 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
Prime Homes at Villa Portofino West, Ltd, by Villa Portofino West Builders Inc., a Florida corporation, its general partner	21218 St. Andrews Blvd. #510 Boca Raton, Florida 33433	See Attached	10-7917-002-0020
		MORE FULLY	
		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT A"	

SEE NEXT page FOR signature and notary STATEMENT

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I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared, Larry Abbo, Vice President of Prime Homes at Villa Portofino West, Ltd. by its general partner, Villa Portofino West Builders, Inc., a Florida corporation personally know to me, and who executed the foregoing resolution and acknowledged before me that Larry Abbo, Vice President, executed the same for the purposed herein expressed.

Prime Homes at Villa Portofino West, Ltd. by

Villa Portofino West Builders Inc., a Florida corporation, its general partner

[Signature]

By: Larry Abbo

Title: Vice President

WITNESS by my hand and official seal in the County and State last aforesaid, this 9 day of SEPT., 2005

Linda Socolow  
NOTARY PUBLIC, STATE OF FLORIDA

SEAL

LINDA SOCOLOW  
PRINT NAME

 Linda Socolow  
Commission #DD201844  
Expires: May 17, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

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 DEPARTMENTAL ACCEPTANCE DATE  
 (GOVERNMENT USE ONLY)

## EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT KNOWN AS PORTOFINO VILLAS WEST DATED SEPTEMBER 9, 2005 FOR THE CREATION OF SPECIAL TAXING DISTRICT.

### Legal Description:

That portion of the unnumbered parcel on the plat of COCO PLUM VILLAGE, as recorded in Plat Book 35, Page 4, of the Public Records of Miami-Dade County, Florida, lying West of Canal C-103-1 right of way and North of Canal C-103-S right of way, LESS the North 5.00 feet for road, Section 17, Township 57 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows: Commence at the Northeast corner of Section 17, Township 57 South, Range 39 East; thence S89°12'00"W 774.88 feet along the centerline of the Southwest 312 Street (Campbell Drive) to a point; thence S1°18'45"E for 35.00 feet to the Point of Beginning; thence continue S1°18'45"E for 646.27 feet to the point of curvature of a circular curve to the left, said curve having a radius of 445.00 feet and a central angle of 33°33'48"; thence run Southeasterly along said curve for an arc distance of 260.68 feet to the point of reverse curve of a circular curve to the right, said curve having a radius of 200.00 feet and a central angle of 39°09'34"; thence run Southeasterly and Southerly along said curve for an arc distance of 136.69 feet to a point; thence S89°21'10"W for 25.00 feet; thence S00°38'50"E for 40.00 feet; thence N89°21'10"E for 17.40 feet to a point on a circular curve to the right, said curve having a radius of 200.00 feet and a central angle of 38°04'23"; thence run Southwesterly along said curve for an arc distance of 132.90 feet to a point; thence S54°02'21"W for 516.87 feet to a point on a circular curve to the right, having a radius of 235.00 feet and a central angle of 35°24'54"; thence run Southwesterly along said curve for an arc distance of 145.26 feet; thence run S89°27'15"W for 3.11 feet; thence North02°05'38"W for 1508.05 feet; thence N89°12'00"E for 564.89 feet to the Point of Beginning.

# EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS PORTOFINO VILLAS WEST DATED AUGUST 9<sup>TH</sup>, 2005, FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR STREET LIGHTING, LANDSCAPE, WALL AND LAKE MAINTENANCE.

AREAS TO BE MAINTAINED:

WALLS SWALES, LANDSCAPE AND ENTRANCE FEATURES ALONG SW 312<sup>TH</sup> STREET AND SW 20<sup>TH</sup>. TERRACE

MAINTENANCE SCHEDULE:

- A.) LAWN / GRASS
  - 1.) CUT BIMONTHLY AS REQUIRED
  - 2.) FERTILIZE AND WEED CONTROL AS NEEDED
  - 3.) TREAT FOR PESTS/DISEASES AS NEEDED
  - 4.) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME.
  
- B.) TREES/SHRUBS
  - 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
  - 2.) REPLACE AS REQUIRED
  
- C.) WALL MAINTENANCE
  - 1.) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED
  
- D.) LAKE MAINTENANCE TO INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS, AQUATIC WEEDS, PLANTS AND ALGAE BY CHEMICAL AND/OR MECHANICAL MEANS AS NEEDED.

IMPROVEMENTS BY DEVELOPER FOR EACH LAKE:

- A.) A 2 SPACE PARKING AREA ADJACENT TO THE RIGHT OF WAY.
- B.) 12' WIDE IMPROVED BOAT RAMP TO EXTEND INTO THE WATER SUFFICIENT TO ALLOW A 3' LAUNCHING DEPTH AT MEDIAN LAKE WATER LEVEL.
- C.) A LOCKING SWINGING GATE, 12 FT. WIDE WITH REMOVABLE GUARDRAIL.

**NOTE:** THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY, IT SHALL BE **DORMANT**; AND SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

TWO (2) LAKES: TRACTS "E" AND "M" AS SHOWN ON THE REFERENCE PLAT OF SUBDIVISION TRACT "A" INGRESS/EGRESS AND COMMON AREAS  
COMMON AREAS: TRACTS "B", "C", "F", "G", "H", "I", "J", "K", "L", "N", "O", "P", "Q", "R", "S"

**RESOLUTION NO. R2005-04-58**

A RESOLUTION OF THE CITY OF HOMESTEAD, FLORIDA, AUTHORIZING MIAMI-DADE COUNTY TO CONTINUE THE PROCESS OF CREATING SPECIAL TAXING DISTRICTS WITHIN THE CITY OF HOMESTEAD FOR THE FUNDING OF SPECIAL SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 18-2 of the Code of Miami-Dade County allows for the creation and establishment of special taxing districts within incorporated areas for the purpose of public improvements as set forth in that section; and

**WHEREAS**, Section 18-2 requires the approval of the City of Homestead (the "City") when the special taxing district falls within the City's boundaries; and

**WHEREAS**, Section 18-2 provides for the procedure for creating special taxing districts for the purpose of providing street lights, landscape maintenance, and any other applicable improvements in new subdivisions within the City; and

**WHEREAS**, the City wishes to allow Miami-Dade County to continue creating special taxing districts for street lights, landscape maintenance, and any other applicable improvements in new subdivisions within the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:**

**Section 1. Findings.** The proceeding Whereas clauses are ratified and incorporated as the legislative intent of this Resolution.

**Section 2. Approval.** In accordance with Section 18-2 of the Code of Miami-Dade County, the City hereby approves and authorizes Miami-Dade County to continue establishing special taxing districts for the purpose of providing street lights, landscape

maintenance, and any other applicable improvements in all new subdivisions within the City's boundaries.

**Section 3. Transmittal.** The City Clerk is hereby authorized to transmit a certified copy of this Resolution to Miami-Dade County.

**Section 4. Effective Date.** This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 4<sup>th</sup> day of April, 2005.

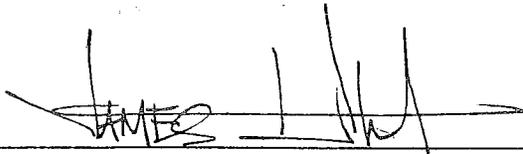
  
\_\_\_\_\_  
ROSCOE WARREN  
Mayor

ATTEST:

  
\_\_\_\_\_  
PATRICIA SULLIVAN, CMC  
Deputy City Clerk

**CERTIFIED COPY**  
  
\_\_\_\_\_  
Deputy CITY CLERK  
CITY OF HOMESTEAD  
DATE: 4-6-05

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY ONLY:

  
\_\_\_\_\_  
JAMES I. HELMAN

WEISS SEROTA HELFMAN PASTORIZA GUEDES COLE & BONISKE, P.A.  
City Attorney

Offered by Mrs. Bell

Motion to adopt by Mrs. Bell seconded by Mr. Porter

**FINAL VOTE AT ADOPTION**

<i>Mayor Roscoe Warren</i>	<u>YES</u>
<i>Vice Mayor Lynda Bell</i>	<u>YES</u>
<i>Councilwoman Amanda Garner</i>	<u>YES</u>
<i>Councilman Norman Hodge</i>	<u>YES</u>
<i>Councilman Steve Losner</i>	<u>ABSENT</u>
<i>Councilman Jeffrey Porter</i>	<u>YES</u>
<i>Councilwoman Judy Waldman</i>	<u>YES</u>

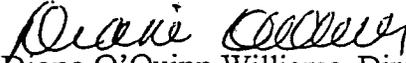
R2005-04-58 AUTHORIZING MIAMI-DADE - CREATION OF A SPECIAL TAXING DISTRICT



## 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.

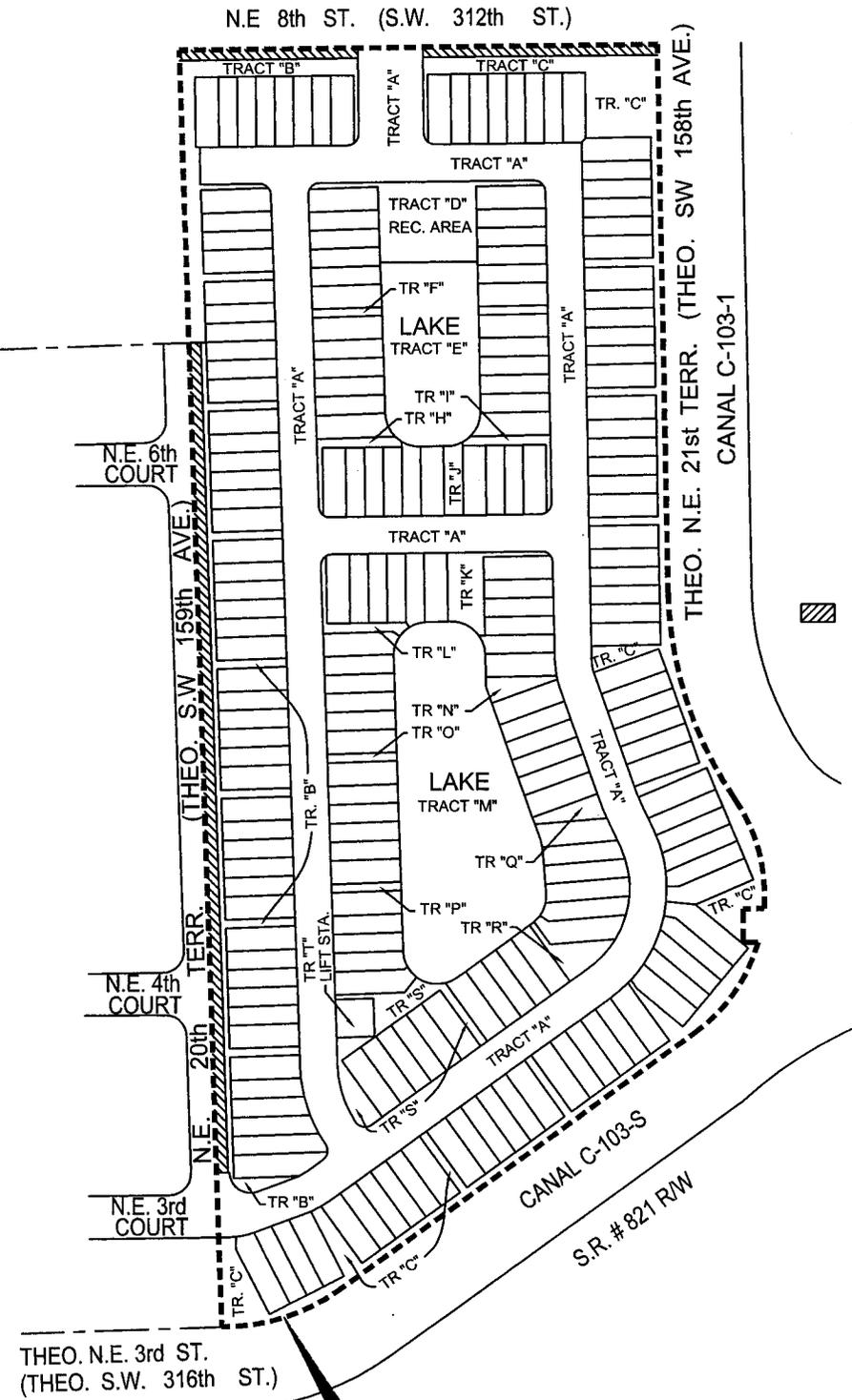
The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted 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.

# PORTOFINO VILLAS WEST

MULTIPURPOSE  
SPECIAL TAXING  
DISTRICT



DENOTES AREAS TO BE  
MAINTAINED, SEE  
ATTACHED SHEET FOR  
SERVICE DESCRIPTIONS  
AND LOCATIONS



**DISTRICT  
BOUNDARIES**

NOTE: MIAMI-DADE COUNTY STREET  
NUMBERING SHOWN IN PARENTHESES

M-505 (COMM. 0008)  
SECTION: 17-57-39

**EXHIBIT "A"**

26

**ATTACHMENT TO EXHIBIT "A"**

**PORTOFINO VILLAS WEST MULTIPURPOSE  
SPECIAL TAXING DISTRICT**

**AREAS TO BE MAINTAINED:**

- TWO LAKES (TRACTS M & E)
- ENTRANCE FEATURES, EXTERIOR FACE OF WALLS, AND SWALES ALONG N.E. 8<sup>TH</sup> STREET (S.W. 312<sup>TH</sup> STREET) AND N.E. 20<sup>TH</sup> TERRACE (THEORETICAL S.W. 159<sup>TH</sup> AVENUE).

**MAINTENANCE SCHEDULE:**

A.) LAWN / GRASS

- 1.) CUT BIMONTHLY AS REQUIRED.
- 2.) FERTILIZE AND WEED CONTROL AS NEEDED.
- 3.) TREAT FOR PESTS/DISEASES AS NEEDED.
- 4.) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME.

B.) TREES/SHRUBS

- 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED.
- 2.) REPLACE AS REQUIRED.

C.) WALL MAINTENANCE

- 1.) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED.

D.) LAKE MAINTENANCE TO INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS, AQUATIC WEEDS, PLANTS AND ALGAE BY CHEMICAL AND/OR MECHANICAL MEANS AS NEEDED.

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