

# Memorandum

MIAMI-DADE  
COUNTY

(Second Reading 11-28-06)

**Date:**

September 26, 2006

Agenda Item No. 7(F)

**To:**

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

**From:**

George W. Burgess  
County Manager

**Subject:**

Ordinance approving a special sewer construction connection charge for buildings and properties in a certain area of West Flagler Street

## 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 within a certain area of West Flagler Street. New developments will pay the costs of these sewer improvements through a surcharge to be assessed when the building permits are issued. The Board adopted three 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 S.W. 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. More recently, on November 11, 2005 the Board adopted Ordinance No. 05-198 which approved a special construction connection charge within a certain area of Brickell Village.

## BACKGROUND

MDWASD has determined that new gravity sewer main facilities capable of providing sufficient capacity for anticipated growth in the area bounded by West Flagler Street to S.W. 8 Street and S.W. 12 Avenue to S.W. 17 Avenue (see Exhibit "A") will cost approximately \$2,689,120.

MDWASD 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. MDWASD will be paid in the form of a West Flagler 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 of this ordinance shall not be subject to payment of the West Flagler Basin Sewer Construction Connection Charge, however, the charge will be imposed for any additional sewer capacity furnished after said date.

MDWASD estimates that future sewer customers in this area will require approximately 2,081,425 average daily gallons of system capacity which will be provided by the new facilities. The West Flagler Basin Sewer Construction Charge shall be determined by dividing the total estimated cost of the new sewer facilities project by the total estimated capacity of 2,081,425 gallons per day which results in \$1.29 per gallon.

The West Flagler Basin Sewer Construction Connection Charge will be collected by MDWASD 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.

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.

Fiscal Impact Statement

This ordinance as it relates to the special sewer construction connection charge for buildings and properties in certain areas of West Flagler Street will have a positive fiscal impact on Miami-Dade County.

MDWASD is designing and building new sewer facilities to provide capacity in the local sewer system for anticipated growth in a certain area of West Flagler Street. This ordinance requires property owners who receive new or additional sewer service from the new facilities to pay a special one-time construction charge of \$1.29 per gallon. Payment of the charge is a condition of sewer service.

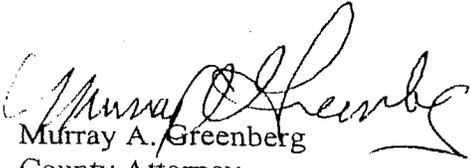
  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez      **DATE:** November 28, 2006  
and Members, Board of County Commissioners

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

**SUBJECT:** Agenda Item No. 7(F)

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. 7(F)  
11-28-06

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING AND APPROVING A SPECIAL SEWER CONSTRUCTION CONNECTION CHARGE FOR BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF WEST FLAGLER STREET; 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 generally bounded by West Flagler Street to S.W. 8 Street and S.W. 12 Avenue to S.W. 17 Avenue 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 sewer main facilities capable of providing sufficient capacity for the total anticipated growth of the area will cost approximately \$2,689,120.00; 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 West Flagler Basin (a/k/a Basin 1-28) 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 2,081,425 average daily gallons of system capacity which will be provided by the new facilities; and

**WHEREAS**, the West Flagler 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 2,081,425 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 West Flagler Basin Sewer Construction Connection Charge of \$1.29 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 West Flagler Basin Sewer Construction Connection Charge will be assessed for all properties in the area generally bounded by West Flagler Street to S.W. 8 Street and S.W. 12 Avenue to S.W. 17 Avenue, 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 West Flagler 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 West Flagler 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 West Flagler 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 West Flagler 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 West Flagler 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 West Flagler 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.

**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:

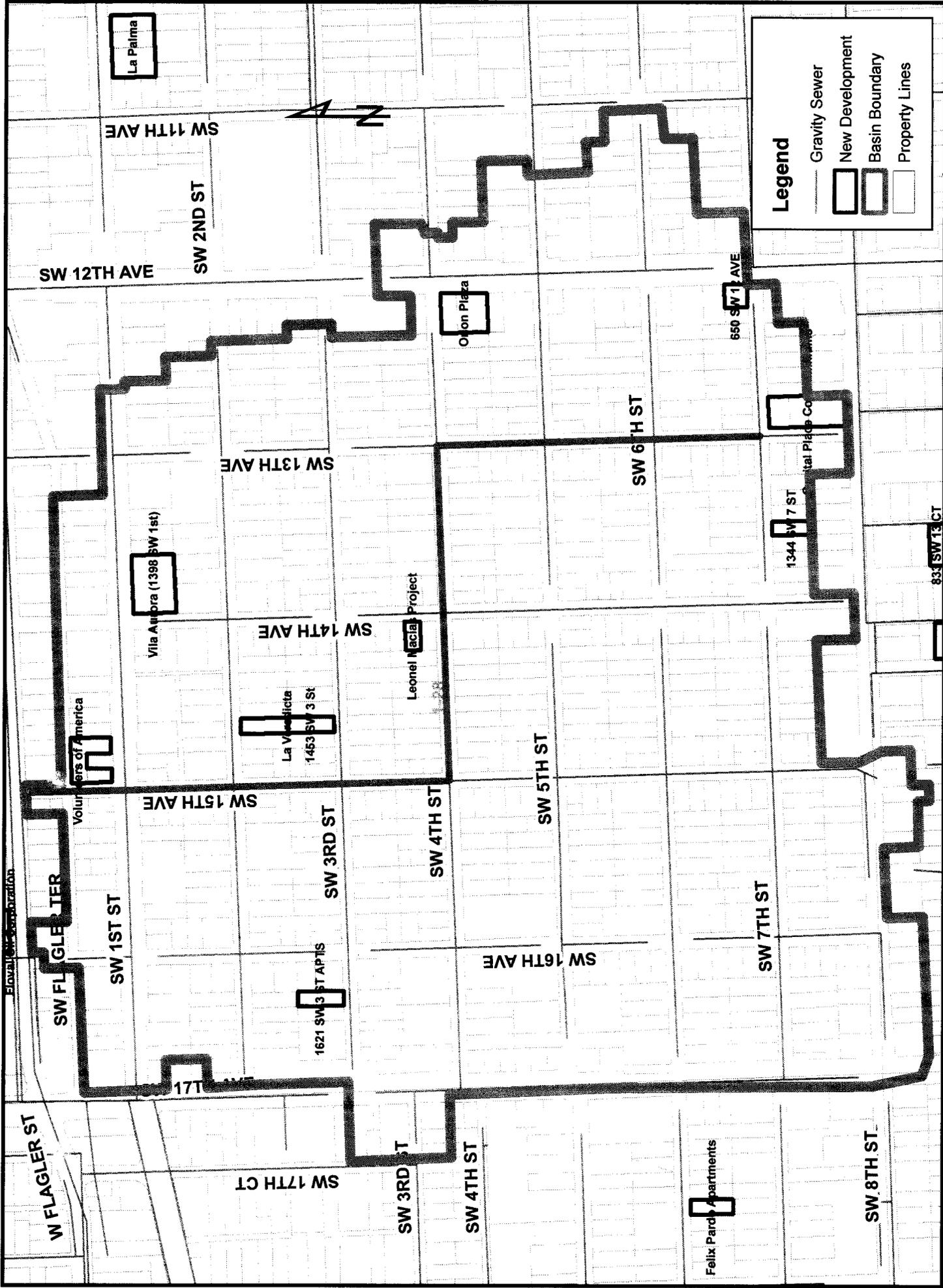
Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



David M. Murray





PROJECT BUDGET SUMMARY SHEET

**Project:** Installation of 24",20",16" and 12" D.I. Sanitary Sewer  
**Location:** In SW 15 Ave from W. Flagler St. to SW 4 St. in SW 13 Ave from SW 4 St. to SW 7 St.  
**Contract No.:** 0 **Prepared by:** Carlos E. Benavides  
**ER No.:** 0 **Last Rev. Date:** 5/17/2006  
**Control No.:** CTS- 060028  
**Scope:** Installation of 24",20" 16" and 12" DI Sanitary Sewer in SW 15 Ave from W. Flagler St. to SW 4 St. in SW 13 Ave from SW 7 St.

<b><u>DIRECT COSTS</u></b>			
1.) PROJECT PLANNING (SCOPING)	<u>MDWASD</u>	<u>CONSULTANT(S)</u>	
	\$0	\$0	\$0
2.) LAND ACQUISITION			\$0
3.) DEVELOPMENT	<u>MDWASD</u>	<u>CONSULTANT(S)</u>	
CONTRACT DOCUMENTS	\$224,627	\$0	\$224,627
PERMITTING (INCL. FEES)	\$0	\$0	\$0
PROCUREMENT	\$0	\$0	\$0
4.) CONSTRUCTION			
CONTRACTOR			
BID AMOUNT (NOT INCLUDING ALLOWANCE ACCT.)			\$1,497,508
ALLOWANCE ACCOUNT~ 10%			\$150,000
PERMIT, INSPECTION FEE 3%			\$44,925
MDWASD "IN-HOUSE" STAFF			
MATERIALS (INCLUDING ADDTL. 9.4%)			\$0
LABOR			\$0
EQUIPMENT			\$0
	<u>MDWASD</u>	<u>CONSULTANT(S)</u>	
CONST. MANAGEMENT DIV.	\$179,700	\$0	\$179,700
ADDTL. CONST. SERVICES	\$0	\$0	\$0
5.) OTHER (SPECIFY)			\$0
<b>SUB-TOTAL DIRECT COSTS -</b>			<b>\$2,096,760</b>
<b><u>INDIRECT COSTS</u></b>			
6.) ENVIRONMENTAL REVIEW			\$0
7.) RETIREMENT COSTS			\$0
8.) LEGAL COSTS (~ 0.5% OF DIRECT COSTS)			\$10,484
9.) OVERALL PROJECT CONTINGENCY (~ 15% OF DIRECT COSTS)			\$314,514
10.) ART IN PUBLIC PLACES			\$0
11.) COUNTY BUSINESS ROAD IMPACT FEE			\$0
<b>SUB-TOTAL INDIRECT COSTS -</b>			<b>\$324,998</b>
12.) DBD FEE/CWTF			\$10,656
13.) DEPARTMENT OVERHEAD (~10.6% OF DIRECT PLUS INDIRECT COSTS)			\$256,706
<b>TOTAL PROJECT BUDGET ESTIMATE</b>			<b>\$2,689,120</b>

**Existing Basin Flow based on Wastewater Billing**

ADF Billing	650,598	650,598 gpd
%sewer	0.80	520,479 gpd
I&I	1.20	624,574 gpd
PF	3.50	
Peak		2,186,010 gpd

**New Developer Flow Allocations (as of 4/30/06)**

Basin 1-28 Area 5,057,428 sf

Project Name	MGD	GPD	Area (sqft)	unit flow
Volunteers of America	0.014	14,100	15,338	0.919
Villa Aurora	0.011	11,000	26,565	0.414
La Veredicta	0.003	3,050	15,414	0.198
Leonel Macia	0.004	4,400	4,805	0.916
Capital Place	0.026	26,000	26,090	0.997
1621 SW 3 St	0.002	2,200	7,510	0.293
650 SW 12 Ave	0.009	8,700	5,715	1.522
1344 SW 7 St	0.001	1,000	5,854	0.171
Orion Plaza	0.015	14,550	19,705	0.738
Allocations		85,000	126,996	0.669 gpd/sf
%sewer				0.82
unit gpd/sf				0.549
Total Basin Property Area			4,930,432	2,705,999 gpd

**Increase in Capacity based on Average Daily Flow**

Projected Average Daily Flow	2,705,999 gpd
Existing Average Daily Flow	624,574 gpd
Average Daily Flow Increase	2,081,425 gpd

**Estimated Project Cost** \$ 2,689,120

**Gallonage** 1.292 \$/gpd

R3	200	2,081,425	10,407
Existing	200	624,574	3,123
Unit Increase			7,284 units