(Public Hearing 4-24-07)

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(A)

Date: March 20, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Sans Souci Natural Gas Pipeline Extension Special Taxing District

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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 Sans Souci Natural Gas Pipeline Extension Special Taxing District.

Scope

This Special Taxing District is located within Commission District 4.

Fiscal Impact/Funding Source

The economic impact on the private sector will be a special assessment for the cost of natural gas pipeline extension service to all property owners within the district.

Track Record/Monitor

The service will be provided through an interlocal agreement between the City of North Miami as service provider and Miami-Dade County. The Special Taxing Districts Division of the Public Works Department will be responsible for monitoring compliance with the terms and conditions of the interlocal agreement.

Background

Boundaries: All properties fronting N.E. 118th Road for approximately - 1,300 feet-east-of-Canal-Drive.

Number of Parcels: 36

Number of Homestead Exemptions:	33
Number of Owners With Homestead Exemption Signing Petition:	18 or 54.5% of the resident property owners.
Preliminary Public Meeting:	Not held at the Homeowners Association request.
Type of Improvements:	The improvement will consist of the installation of an extension of a natural gas pipeline system that will provide adequate natural gas for properties within the proposed district.
Required Referendum	Every qualified registered voter residing within the district limits will be afforded the opportunity to vote at an election conducted by mail, estimated to be held in June 2007.
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 and subsequent ratifying referendum. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
District Implementation:	October 2007.

ECONOMIC/FISCAL/HOUSING COSTS IMPACT ANALYSIS

The creation of this district is processed at the request of the proposed district property owners in accordance with Chapter 18 of the Miami-Dade County Code. The economic impact on the County's budget will be from the advancement of funds by several County Departments. Advancement of funds will result from various departments' expenditure of labor and materials necessary to engineer and administrate the creation of the district. All district costs incurred will be reimbursed to each Department after the Board's adoption of the preliminary assessment roll, ratification of the district by the qualified electorate within the district limits and collection of the assessments from the affected property owners on their November 2007 annual tax bills.

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

Estimated Completion:	December 2007.
Estimated Initial Billing:	November 2007.
Estimated Costs:	**First Year**
Total Cost to District	$49,340
Total Assessable Front Feet	2,863
Cost Per Assessable Front Foot	$17.25
Annual Assessments:	**First Year**
For A Typical Interior Lot	$1,350
For A Typical Corner Lot	$2,650

Assessments levied may be paid in full or financed over a 10-year period through the property tax bill.

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

Each 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 Section 18-3 of the Code, I have reviewed the facts submitted by the Public Works Director, and concur with her recommendation that this district be created, if approved by the referendum required subsequent to this public hearing.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

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

Veto _____

Override _____

Agenda Item No. 5 (A)
4-24-07

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS SANS SOUCI NATURAL GAS PIPELINE EXTENSION 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 natural gas pipeline extensions 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 SANS SOUCI NATURAL GAS PIPELINE EXTENSION SPECIAL TAXING DISTRICT duly signed by more than 50% 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 for the installation of an extension of a natural gas pipeline system 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 natural gas pipeline extension 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,

WHEREAS, pursuant to the provisions of Chapter 18 of the Miami-Dade County Code, the governing body of the City of North Miami has agreed by Resolution No. R-2006-163 to the creation

and establishment of the special taxing district herein proposed encompassing property within its municipal limits.

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 SANS SOUCI NATURAL GAS PIPELINE EXTENSION 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:

> All properties fronting N.E. 118th Road for approximately 1,300 feet east of Canal Drive.

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:

> Installation of an extension of a natural gas pipeline system that will provide adequate natural gas for properties within the proposed district.

Section 4. The installation of such natural gas pipeline system will be accomplished pursuant to an agreement between Miami-Dade County and the City of North Miami. The cost of installation, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the first year is estimated to be $49,340 and shall be advanced by petitioners. The estimated cost per assessable front foot of real property within the proposed district for the first year is $17.25. 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 Natural Gas Pipeline Extension agreement between Miami-Dade County and the City of North Miami 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 an extension of a natural gas pipeline system 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 take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determined by Resolution, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and an approval by a majority of those voting at the election referred to herein.

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 SANS SOUCI NATURAL GAS PIPELINE EXTENSION
SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

As Public Works Director, responsible for the detailed investigation of a duly petitioned for improvement district, the following facts are hereby submitted concerning the creation of Sans Souci Natural Gas Pipeline Extension Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed district is located entirely within the municipal limits of the City of North Miami, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of North Miami to create this special district per Resolution No. R-2006-163, a copy of which is attached, and the boundaries, as set forth in the petition, are as follows:

All properties fronting N.E. 118th Road for approximately 1,300 feet east of Canal Drive.

The boundaries of the district are as shown on the attached plan entitled Sans Souci Natural Gas Pipeline Extension Special Taxing District, prepared by the Public Works Department and hereinafter referred to as Exhibit A.

2. DESCRIPTION AND LOCATION OF THE INSTALLATION TO BE CONSTRUCTED

The Improvement petitioned for will consist of the installation of a natural gas pipeline system that will provide adequate natural gas within the proposed district. The natural gas pipeline facilities will consist of pipes and all appurtenances located within public right-of-way in accordance with the applicable standard details of the Miami-Dade County Public Works Manual.

3. ESTIMATED CONSTRUCTION COST FOR THIS IMPROVEMENT

A cost estimate by the Public Works Department for the installation of a natural gas pipeline system to serve the residents within the boundaries of the proposed district indicates the cost of construction to be $31,000. The engineering and administrative costs involved in establishing the district is estimated to be $5,000. The cost of handling the billing, collecting the assessment, election, advertising, mailing, and processing the payments, as provided by Chapter 18 of the Code, is estimated to be $5,120. Additionally,

contingency fund in the amount of $8,220 is provided. Therefore, the total cost to be assessed against the properties within the district is estimated to be $49,340.

ESTIMATED COSTS

GAS LINE INSTALLATION	$31,000
ENGINEERING & ADMINISTRATIVE COSTS	5,000
ADVERTISING, BILLING, COLLECTING & PROCESSING COSTS	5,120
CONTINGENCIES	8,220
TOTAL COST TO DISTRICT	$49,340

*To be adjusted from actual experience.

4. PROCEDURE

Miami-Dade County enters into an agreement with the City of North Miami, wherein Miami-Dade County will reimburse to the City the cost of the installation.

Based on front footage, each owner of property along the piped roadway will pay the County, through a special assessment a proportionate share of the total cost.

5. 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).

6. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS IMPROVEMENT

The need for this improvement is apparent and the residents within the boundaries of this district have demonstrated their desire for this improvement. The 2006 net property evaluation within the district ($43,328,733) is a good indication that the affected property is able to pay such natural gas pipeline extension costs and such special assessment as may be levied and, in my opinion, the benefited property to be specially assessed will be benefited in excess of the total amount of the special assessment to be levied.

7. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 6 above, each property owner along the piped roadway will pay the County through a special assessment. The assessments shown below are representative of costs for single-family lots within this district.

Estimated Annual Assessment:	**First Year**
Total Cost to District	$49,340
Per Assessable Front Foot	$17.25
For A Typical Interior Single-Family Lot	$1,350
For A Typical Corner Single-Family Lot	$2,650

These costs are based on a preliminary estimate of 2,863 total assessable front feet and will be adjusted from actual experience.

8. RECOMMENDATION

It is my recommendation that the referendum required by Chapter18 of the Code be conducted by the Miami-Dade County Elections Department using a mailed ballot. Upon approval of this referendum by the Board of County Commissioners, the Elections Department will send a Summary of the Report on this district, a copy of which is attached, to each registered voter living within the district. My office will also be available to answer any questions from the public or from your office in regard to the financial and/or engineering facts of this district. We further recommend that the County Manager sign the attached report to the Board of County Commissioners after you have reviewed this report and concurred with our findings.

Encls:
(1) Copy of Memo from Department of Planning and Zoning
(2) Copy of City of North Miami Resolution No. R-2006-163
(3) Copy of Summary of the Report
(4) District Boundary Map (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: January 24, 2007

To: Esther Calas, P.E., Director
Public Works Department

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

Subject: San Souci Natural Gas Pipeline Extension Special Taxing District

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This is in response to your memorandum of January 10, 2007, requesting this Department's determination that the proposed San Souci Natural Gas Pipeline Extension Special Taxing District conforms or conflicts with the Miami-Dade County Comprehensive Development Master Plan (CDMP).

Staff has reviewed the request for establishing the special taxing district within the City of North Miami and finds that there are no conflicts with the CDMP; therefore the Department has no objections to the proposal.

Thank you for the opportunity to comment on this amendment. Should you or any member of your staff have any questions regarding this information, please feel free to call Mr. Mark R. Woerner, Chief, Metropolitan Planning Section, at ext. 2835.

DOQW:SB:MRW:PC:gar

RESOLUTION NO. R-2006-163

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CREATION OF THE SANS SOUCI NATURAL GAS PIPELINE EXTENSION SPECIAL TAXING DISTRICT BY MIAMI-DADE COUNTY, WITHIN THE CITY OF NORTH MIAMI, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Chapter 18, Article I of the Code of Miami-Dade County ("County Code") allows for the creation and establishment of special taxing districts within incorporated areas to provide public improvements and special services which could not conveniently or equitably be provided otherwise; and

WHEREAS, citizens of the City of North Miami, residing in the Sans Souci area have petitioned Miami-Dade County under Section 18-3 of the County Code, to install a natural gas pipeline to service the area of the proposed District, described and attached hereto as Exhibit "A"; and

WHEREAS, the Miami-Dade County Public Works Department, Special Taxing Districts Division, has certified that the required percentage of the resident owners of property within the boundaries of the proposed District, have signed a petition for the proposed District, and has validated said petition of property owners; and

WHEREAS, pursuant to said petition, the resident owners of the proposed District have requested the approval of the City of North Miami City Council to authorize Miami-Dade County to continue the process of creating the proposed District.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals in the "whereas" clauses are true and correct, and are incorporated into this Resolution.

Section 2. Findings. The creation of the Sans Souci Natural Gas Pipeline Extension Special Taxing District by Miami-Dade County, in accordance with Chapter 18, Article I of the Code of Miami-Dade County, is approved by the City Council of the City of North Miami, Florida. Such

approval is conditioned upon the approval of the Board of County Commissioners of Miami-Dade County.

Section 3. **Transmittal.** The City Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Clerk of the Board of the Miami-Dade County Commissioners.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12 day of December, 2006.

KEVIN A. BURNS
MAYOR

ATTEST:

FRANK WOLLAND
CITY CLERK

CERTIFICATION
I certify this to be a true and correct copy of the record in my office.
WITNESSETH my hand and official seal of the City of NORTH MIAMI Florida, this the 19 day of December 20 06
Deputy City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

V. LYNN WHITFIELD
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Councilman Blynn

Vote:

Mayor Kevin A. Burns	X (Yes)	____ (No)
Vice Mayor Scott Galvin	X (Yes)	____ (No)
Councilperson Jacques A. Despinosse	X (Yes)	____ (No)
Councilperson Michael R. Blynn	X (Yes)	____ (No)
Councilperson Marie Erlande Steril	X (Yes)	____ (No)

IWO 06-290

SUMMARY OF THE REPORT
ON THE CREATION OF SANS SOUCI NATURAL GAS PIPELINE EXTENSION
SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

A petition submitted to Miami-Dade County for the creation of a special taxing district to be known as Sans Souci Natural Gas Pipeline Extension Special Taxing District was presented in accordance with the requirements of Article 1, Chapter 18 of the Code of Miami-Dade County.

The proposed district is located entirely within the municipal limits of the City of North Miami, Florida; and its boundaries are set forth as follows:

> All properties fronting N.E. 118th Road for properties approximately 1,300 feet east of Canal Drive.

The boundaries are shown on the attached plan entitled Sans Souci Natural Gas Pipeline Extension Special Taxing District and hereinafter referred to as Exhibit A.

The Improvement petitioned for will consist of the installation of a natural gas pipeline system that will provide adequate natural gas within the proposed district.

ESTIMATED COSTS

GAS LINE INSTALLATION	$31,000
ENGINEERING & ADMINISTRATIVE COSTS	5,000
ADVERTISING, BILLING, COLLECTING & PROCESSING COSTS	5,120
CONTINGENCIES	8,220
TOTAL COST TO DISTRICT	$49,340

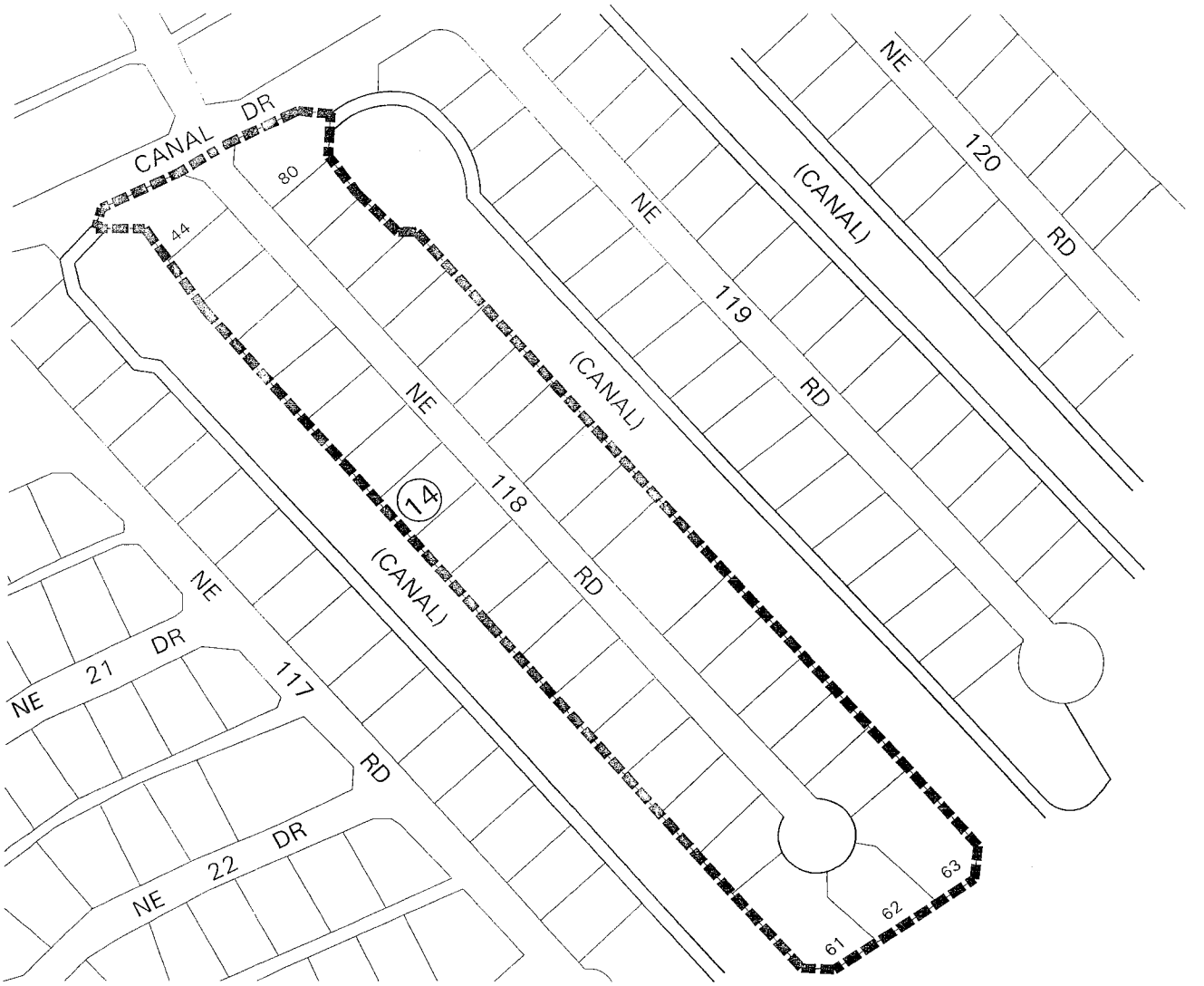
SAMPLE ASSESSMENT

Per Assessable Front Foot		$17.25
For A Typical Interior Single-family Lot	Cost to be provided by the petitioner	$1,350
For A Typical Corner Single-family Lot		$2,650

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

The creation of the district will be subject to the results of an election which will be conducted by the Miami-Dade County Elections Department, in which a mailed ballot will be sent to each qualified registered elector living within the proposed boundaries. The elector will, at that time, have the opportunity to vote for or against the improvement. The results of this election will determine whether or not the district is ratified and implemented.

Attachment: Exhibit A



SANS SOUCI

NATURAL GAS PIPELINE EXTENSION SPECIAL TAXING DISTRICT

N

(COMM. 0004)
SECTION: 33-52-42

EXHIBIT "A"