Memorandum

MIAMI-DADE COUNTY

(Public Hearing 4-24-07)

Date: March 20, 2007

Agenda Item No. 5(B)

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

From: George M. Burgess
County Manager

Subject: Ordinance to Abolish Ordinance No. 04-143 which Created the SW 184 Street Road Improvement and Maintenance Special Taxing District and Refund of 2005 Collections

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Recommendation

It is recommended that the Board of County Commissioners abolish Ordinance No. 04-143 which created the SW 184 Street Road Improvement and Maintenance Special Taxing District (district), for the purpose of eliminating construction of the road and refunding with appropriate interest, the special assessments collected through the 2005 Combined Real Property Tax Bill.

Scope

The Special Taxing District is within Commission District 9.

Fiscal Impact/Funding Source

The fiscal impact to the County is the absorption by the Public Works Department of the costs associated with the creation and ratification of Ordinance No. 04-143.

Track Record/Monitor

Upon adoption of this Ordinance by the Board, refunds will be issued by the Tax Collector though the Finance Department.

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 Ordinance No. 04-143 be abolished and authorize the reimbursement of the first year's assessment collected through the 2005 Combined Real Property Tax Bill.

Background

The SW 184 Street Road Improvement and Maintenance Special Taxing District was created by the Board of County Commissioners on July 27, 2004, pursuant to Ordinance No. 04-143 and subsequently ratified by the qualified electorate residing within the district boundaries.

The district provided for the construction of a subbase and wearing surface and for the ongoing future maintenance of the roadway since the district lies outside the Urban Development Boundary (UDB). However, due to unprecedented increases in construction costs, the Public Works Department is unable to build the roadway for the $264,341 stated in the district's creation Ordinance.

In August 2006, the Public Works Department attended a Homeowners Association meeting at the site. A survey document was issued to the district residents at that time and the twenty-two returned surveys were unanimously in favor of abolishing the district and receiving a refund of the monies paid on through the 2005 Combined Real Property Tax Bill.

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(B)

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 _____

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4-24-07

ORDINANCE NO.

ORDINANCE ABOLISHING THE S.W. 184TH STREET ROAD IMPROVEMENTS AND MAINTENANCE SPECIAL TAXING DISTRICT, DIRECTING REFUND OF SPECIAL ASSESSMENTS PREVIOUSLY COLLECTED FROM PROPERTY OWNERS, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 04-143 as adopted on July 27, 2004, the Board of County Commissioners of Miami-Dade County (the BOARD) created and established the 184TH STREET ROAD IMPROVEMENTS AND MAINTENANCE SPECIAL TAXING DISTRICT; and

WHEREAS, the District was created to provide for the construction and maintenance of road improvements; and

WHEREAS, due to unprecedented increases in construction costs, the Public Works Department was unable to build the roadway for the amount stated in the District's creation ordinance; and

WHEREAS, property owners met with the Public Works Department and unanimously concurred with a recommendation to abolish the District and refund the special assessments previously collected; and

WHEREAS, pursuant to Section 1.01(a)(11) of the Miami-Dade County Charter, the BOARD has the authority to discontinue service within and abolish special taxing districts established pursuant to 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. The 184TH Street Road Improvements and Maintenance Special Taxing District is hereby abolished and the improvements and services within the district will not be provided through the S.W. 184th Street Road Improvements and Maintenance Special Taxing District.

Section 2. The Tax Collector is hereby authorized and directed to refund the special assessments collected through the 2005 Combined Real Property Tax Bill.

Section 3. Ordinance 04-143 is hereby repealed and of no further force and effect.

Section 4. 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 5. The provisions of 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.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

James K. Kracht