

MEMORANDUM

GOE
Agenda Item No.
3(B)

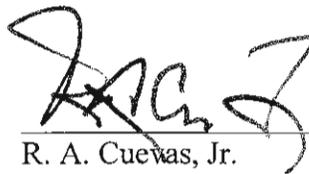
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 12, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance changing the
boundaries of the City of
North Miami Beach

The accompanying ordinance was placed on the agenda by the Board of County Commissioners.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date:

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

From: George M. Burgess
County Manager

Subject: Ordinance changing the boundaries of the City of North Miami Beach

The ordinance changing the boundaries of the City of North Miami Beach will have a positive impact to the Unincorporated Municipal Service Area (UMSA) of approximately \$953,000. Additionally, the County will retain the franchise fees and utility taxes generated in the annexation area of approximately \$206,000 and \$292,000, respectively. This information was presented to the Board of County Commissioners on November 6, 2007, as part of the City of North Miami Beach annexation report.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon", written over a horizontal line.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

fis01708



MEMORANDUM

(Revised)

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

DATE: December 18, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(D)

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. 4(D)
12-18-07

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. The municipal boundaries of the City of North Miami Beach are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of North Miami Beach of the following property:

Annexation by the City of North Miami Beach

Legal Description

A portion of Sections 7, 8 and 17, Township 52 South, Range 42 East in Miami-Dade County, Florida being more particularly described as follows:

BEGINNING at a point on the south right-of-way line of NE 181 Street (Miami Gardens Drive) as shown on the plat of HIGHLAND MANOR SECTION SIX, recorded in Plat Book 60 at Page 25 of the Public Records of Miami-Dade County, Florida said point being 35 feet south of the south line of the N 1/2 of the

NE 1/4 of the NW 1/4 of Section 7, Township 52 South, Range 42 East and 35 feet west of the east line of the NW 1/4 of said Section 7 being also the west right-of-way line of NE 6th Avenue; thence run southerly along the said west right-of-way line of said NE 6th Avenue to the east and west center line of Section 7, Township 52 South, Range 42 East; thence run easterly on the said east and west center line a distance of 35 feet to a point, said point being the center of said Section 7, Township 52 South, Range 42 East; thence run southerly along the north and south center line of said Section 7 to the southwest corner of the NW1/4 of the SW1/4 of the NW1/4 of the SE1/4 of said Section 7, Township 52 South, Range 42 East; thence run easterly along the north line of the S1/2 of the SW1/4 of the NW1/4 of the SE1/4 of said Section 7-52-42 to the northeast corner thereof as shown on the plat of Ritz Highlands No. 2 according to a plat thereof, recorded in Plat Book 64 at page 69, public records of Miami-Dade County, Florida; thence run southerly to the southeast corner of the SW1/4 of the NW1/4 of the SE1/4 of said Section 7-52-42; thence run easterly along the north line of the S1/2 of the SE1/4 of said Section 7-52-42 to the northwest corner of the E1/2 of the SE1/4 of the SE1/4 of said Section 7-52-42; thence run southerly to the northwest corner of the S1/2 of the NE1/4 of the SE1/4 of the SE1/4 of said Section 7-52-42; thence run easterly to the northeast corner of said S1/2 of the NE1/4 of the SE1/4 of the SE1/4 of said Section 7-52-42; thence run southerly a distance of 318.08 feet more or less to a point, said point being on the center line of NE 10th Avenue; thence run westerly a distance of 25 feet to the west right-of-way line of NE 10th Avenue; thence run southerly along the west right-of-way line of NE 10th Avenue to a point on the south line of Section 7-52-42, said point being 25 feet west of the southeast corner of said Section 7, Township 52 South, Range 42 East; thence run easterly along the south lines of Sections 7 and 8 of Township 52 South, Range 42 East to the southeast corner of the W1/2 of the SW1/4 of said Section 8-52-42; thence run southerly along the centerline of NE 12th Avenue being also the west line of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 17-52-42 to the southwest corner thereof; thence continue southerly along the centerline of NE 12th Avenue as shown on the plat of REVISED 163RD STREET SHOPPING CENTER, recorded in Plat Book 57 at Page 25 of the Public Records of Miami-Dade County, Florida to the southwest corner of the SW 1/4 of the NE 1/4 of the NW 1/4 of said Section 17-52-42; thence run easterly along the south line of the NE 1/4 of the NW 1/4 and the W1/2 of the NW 1/4 of the NE 1/4 of said Section 17-52-42 being also the centerline of NE 163 Street to the southeast corner

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of the W 1/2 of the NW 1/4 of the NE 1/4 of said Section 17-52-42; thence run northerly along the centerline of NE 15th Avenue being also the east line of the W 1/2 of the NW 1/4 of the NE 1/4 of said Section 17-52-42 to the northeast corner thereof; thence continue northerly along the centerline of NE 15th Avenue to the northeast corner of the SW 1/4 of the SW 1/4 of the SE 1/4 of said Section 8-52-42; thence run westerly along the centerline of NE 169 Street being also the south line of the NW 1/4 of the SW 1/4 of the SE 1/4 of said Section 8-52-42, as shown on the plat of FULFORD BY THE SEA SECTION O, recorded in Plat Book 10 at Page 27 of the Public Records of Miami-Dade County, Florida to the southwest corner of the NW 1/4 of the SW 1/4 of the SE 1/4 of said Section 8-52-42; thence run northerly along the centerline of NE 14th Avenue being also the east line of the SW 1/4 of said Section 8-52-42 to the northeast corner of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 8-52-42, as shown on the plat of COUNTY SQUIRE, recorded in Plat Book 105 at Page 87 of the Public Records of Miami-Dade County, Florida; thence run westerly along the centerline of NE 173 Street to the northwest corner of the SE 1/4 of the NE 1/4 of the SW 1/4 of said Section 8-52-42; thence run northerly along the centerline of NE 13th Avenue being also the east line of the NW 1/4 of the NE 1/4 of the SW 1/4 of said Section 8-52-42 as shown on the plat of FIRST ADDITION TO DORVIN ESTATES, recorded in Plat Book 59 at Page 81 of the Public Records of Miami-Dade County, Florida to the northeast corner thereof; thence run westerly along the centerline of NE 175 Street on the east and west centerline of said Section 8-52-42 to the northeast corner of the West 1/2 of the SW 1/4 of said Section 8-52-42; thence continue westerly along the east and west center line of said Section 8-52-42 to the southeast corner of the NE1/4 Section 7, Township 52 South, Range 42 East; thence run northerly along the east line of the NE1/4 of said Section 7-52-42 to a point 140 feet more or less south of the northeast corner of the SE1/4 of the SE1/4 of the NE1/4 of said Section 7-52-42; thence run westerly to a point 140 feet more or less south of the northwest corner of the said SE1/4 of the SE1/4 of the NE1/4 of said Section 7-52-42; thence run northerly a distance of 140 feet more or less to the said northwest corner of the said SE1/4 of the SE1/4 of the NE1/4 of said Section 7-52-42; thence run easterly a distance of 153.34 feet more or less to a point on the north line of the said SE1/4 of the SE1/4 of the NE1/4 of said Section 7-52-42; thence run northerly parallel to the east line of said Section 7-52-42 and 485 feet more or less westerly therefrom to a point on the south line of the NE1/4 of the NE1/4 of the NE 1/4 of said Section 7-52-42; thence run westerly to the southwest

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corner of the NW1/4 of the NW1/4 of the NE1/4 of said Section 7-52-42; thence continue westerly along the south line of the N1/2 of the NE1/4 of the NW1/4 of said Section 7-52-42 a distance of 35.00 to a point of intersection with the extended west right of way line of NE 6th Avenue; thence run southerly along the extended west right of way line of NE 6th Avenue being 35 feet west of and parallel with the centerline of NE 6th Avenue a distance of 35 feet more or less to a point on the west right of way line of NE 6th Avenue and the **POINT OF BEGINNING**.

encompassing an area described by Resolution No. R2005-21, passed and adopted by the Commission of the City of North Miami Beach, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexed area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County, this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same

manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. This Ordinance shall be effective only if the City of North Miami Beach executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to: (a) pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$34,800 per year for approximately 25 years until FY 2028-29 or as provided in the interlocal agreement and, (b) file an amendment to the City of North Miami Beach Comprehensive Plan which would authorize existing multifamily uses and school uses within the area to be annexed.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 7. This ordinance shall become effective: (a) 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 and (b) only if approved by a majority vote of the electors voting in an election to be called by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Collier

Sponsored by the Board of County Commissioners

RESOLUTION NO. R2005-21

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING PROPOSED MUNICIPAL BOUNDARY CHANGES BY ANNEXING THE UNINCORPORATED WINDWARD NEIGHBORHOOD; REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF THE MIAMI-DADE COUNTY TO EFFECT BY ORDINANCE, SUBSEQUENT TO APPROVAL BY ELECTION OF THE RESIDENTS WITHIN THE PROPOSED ANNEXATION AREA, THE PROPOSED BOUNDARY CHANGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 5.04 of the Miami-Dade County Home Rule Charter and Section 20-4 of the Code of Miami-Dade County, Florida, any individual or group desiring a proposed boundary change to any municipality may initiate the same together with a duly certified resolution of the governing body of the municipality involved approving such proposed boundary change; and

WHEREAS, Miami-Dade County's Supervisor of Elections has certified that a group of resident voters representing more than the required number of electors necessary to initiate an annexation, as set forth in Section 20-3(H) of the Code of Miami-Dade County, have signed petitions supporting the proposed boundary change; and

WHEREAS, pursuant to policies set forth in the Comprehensive Plan, the City of North Miami Beach has reviewed the appropriateness of the submitted annexation request specifically to determine the levels of service to be provided, the cost of annexation to the taxpayers, revenue estimates, expenditures, consistency and compatibility of development patterns and the contiguity of the proposed boundaries; and

WHEREAS, pursuant to Section 20-4 of the Code of Miami-Dade County, the Mayor and City Council conducted a public hearing regarding the proposed annexation after giving written notice to all owners of property within the annexation area and within 600 feet of the annexation area; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach agree to change the boundaries of the City by annexing the unincorporated area as more particularly described in the legal description included herein and as depicted on the map attached hereto as Exhibit "A", contingent upon an interlocal agreement and approval of the annexation by election of the residents within the proposed area;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of North Miami Beach, Florida:

Section 1. The foregoing recitals are true and correct.

Section 2. That the proposed municipal boundary change, as depicted on the map attached hereto as Exhibit "A", and as more particularly set forth in the following legal description, is hereby approved, subject to an interlocal agreement and approval of the annexation by election of the residents within the proposed area;

A portion of Miami-Dade County, Florida, lying in Sections 7, 8 and 17 of Township 52 South, Range 42 East, generally bounded on the North by Miami Gardens Drive (State Road No. 860); bounded on the Northeast by the centerline of Snake Creek Canal (Canal C-9); bounded on the East by N.E. 15th Avenue; bounded on the South by North Miami Beach Boulevard (State Road No. 826); and bounded on the West by N.E. 6th Avenue (State Road No. 915) as said portion is more particularly described as follows:

Begin at the Southeast corner of said Section 7, also being the Southwest corner of said Section 8, run Westerly along the South line of said Section 7, also being the Southerly boundary line of the City of North Miami Beach, Florida for 25 feet; thence Northerly along a line being 25 feet West of and parallel with the East line of the Southeast $\frac{1}{4}$ of said Section 7, also being the Westerly boundary line of said City on North Miami Beach, Florida for 515.07 feet to a point on the Easterly extension of the Northerly line of Tract "A" of NEWLAN SUBDIVISION according to the plat thereof, as recorded in Plat Book 71 at Page 9 of the Public Records of Miami-Dade County, Florida; thence Westerly along a line 157 feet South of and parallel with the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7 for 150 feet; thence Northerly along a line 175 feet West of and parallel with said East line of the Southeast $\frac{1}{4}$ of Section 7 for 75 feet; thence Easterly along a line 82 feet more or less South of and parallel with said North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7 for 150 feet; thence Northerly along a line 25 feet West of and parallel with said East line of the Southeast $\frac{1}{4}$ of Section 7 for 82 feet more or less; thence Easterly for 25 feet to the Northeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7; thence Northerly along said East line of the Southeast $\frac{1}{4}$, also being the centerline of N.E. 10th Avenue for 318.08 feet more or less to the Northeast corner of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 7, also being the centerline of N.E. 170th Street; thence Westerly along said centerline to the centerline of N.E. 9th Avenue; thence Northerly along said centerline to the centerline of N.E. 171st Street; thence Westerly along said centerline to the centerline of N.E. 7th Avenue; thence Northerly along said centerline to the centerline of N.E. 172nd Street; thence Westerly along said centerline to the centerline of N.E. 6th Avenue (State Road No. 915) also being a point on the West line of said Southeast $\frac{1}{4}$; thence Northerly along said centerline, also being the West line of said Southeast $\frac{1}{4}$ of Section 7 to the centerline of N.E. 175th Street, also being the center of said Section 7; thence Westerly along said centerline to the Westerly right-of-way line of N.E. 6th Avenue (State Road No. 915) being 35 feet West of the Easterly line of the Northwest $\frac{1}{4}$ of said Section 7; thence Northerly along said Westerly right-of-way line of N.E. 6th Avenue (State Road No. 915) and the Northerly extension thereof to a point on the North line of the South $\frac{1}{2}$ of the North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 7; thence Easterly along said North line of the South $\frac{1}{2}$ of the North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and Easterly along the North line of the South $\frac{1}{2}$ of the North $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7 to the Easterly right-of-way line of N.E. 9th Court; thence Southerly along said Easterly right-of-way line to the centerline of N.E. 177th Street; thence Westerly along said centerline to the centerline of N.E. 9th Avenue; thence Southerly along said centerline to a point on the Westerly extension of the South line of a 15 foot wide alley being adjacent to the Southerly line of Block Eleven (11) of WINDWARD HEIGHTS NUMBER FIVE, according to the Plat thereof as recorded in Plat Book 63 at Page 59 of the Public Records of Miami-Dade County, Florida; thence Easterly along said Southerly line of the alley to the centerline of

N.E. 10th Avenue; thence Southerly along said centerline, also being the East line of said Section 7 to the centerline of N.E. 175th Street; thence Easterly along said centerline, also being the North line of the Southwest 1/4 of said Section 8 to the centerline of N.E. 13th Avenue; thence Southerly along said centerline to the centerline of N.E. 173rd Street; thence Easterly along said centerline to the Easterly line of the Southwest 1/4 of said Section 8; thence Southerly along said Easterly line to the centerline of N.E. 169th Street; thence Easterly along said centerline to the centerline of N.E. 15th Avenue; thence Southerly along said centerline to the centerline of North Miami Beach Boulevard (N.E. 163rd Street) (State Road No. 826); thence Westerly along said centerline to the centerline of N.E. 12th Avenue; thence Northerly along said centerline to the centerline of N.E. 167th Street; (N.E. Charger Boulevard); thence Westerly along said centerline also being the South line of said Section 8 to the Southwest corner of said Section 8, being said Point of Beginning, less those portions of said Sections being previously incorporated within the city limits of North Miami Beach, Florida.

Section 3. That the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Section 5.04 of the Home Rule Charter of Miami-Dade County, is requested to schedule an election regarding annexation of the properties legally described herein and as depicted on the attached map as Exhibit "A", which is made a part thereof.

Section 4. That this Resolution shall become effective upon approval of an interlocal agreement between the City of North Miami Beach and the Board of County Commissioners and the approval of the annexation by election of the residents within the proposed area.

Section 5. The City Clerk is hereby authorized and directed to transmit three certified copies of the resolution, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by attachments as required by Section 20-3 and Section 20-4 of the Code of Miami-Dade County, Florida.

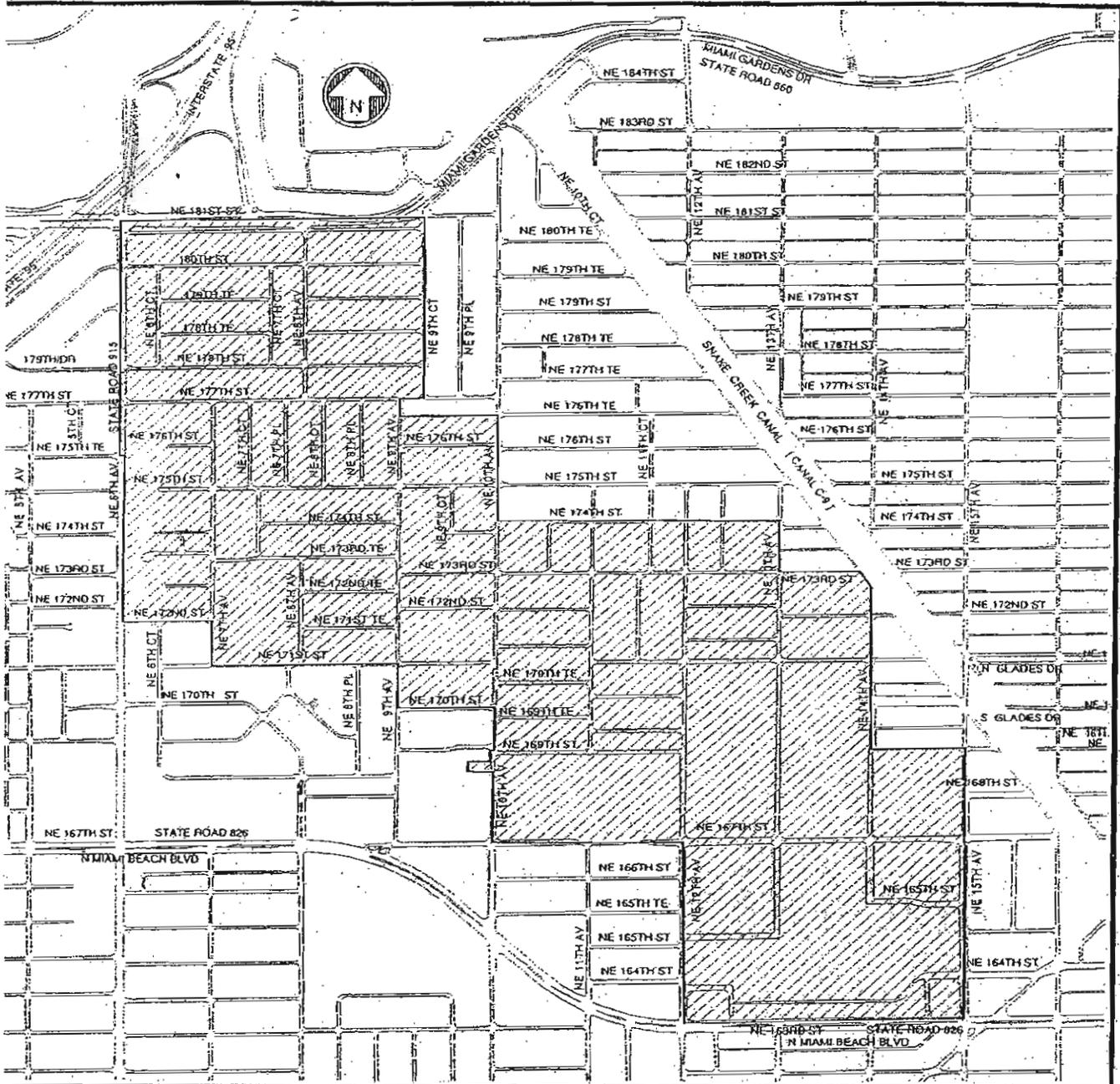
APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this 15th day of March, 2005.

ATTEST:
 I, SOLOMON ODENZ, City Clerk of the City of North Miami Beach, Florida, do hereby certify that the attached and foregoing is a true and correct copy of the original document as filed in my office.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 15 day of March, A.D. 2005.
 SOLOMON ODENZ
 City Clerk
 City of North Miami Beach, Florida

Jeffrey A. Mishcon
 JEFFREY A. MISHCON
 MAYOR

APPROVED AS TO FORM:
Howard B. Lenard
 HOWARD B. LENARD
 CITY ATTORNEY

RESOLUTION NO. R2005-21

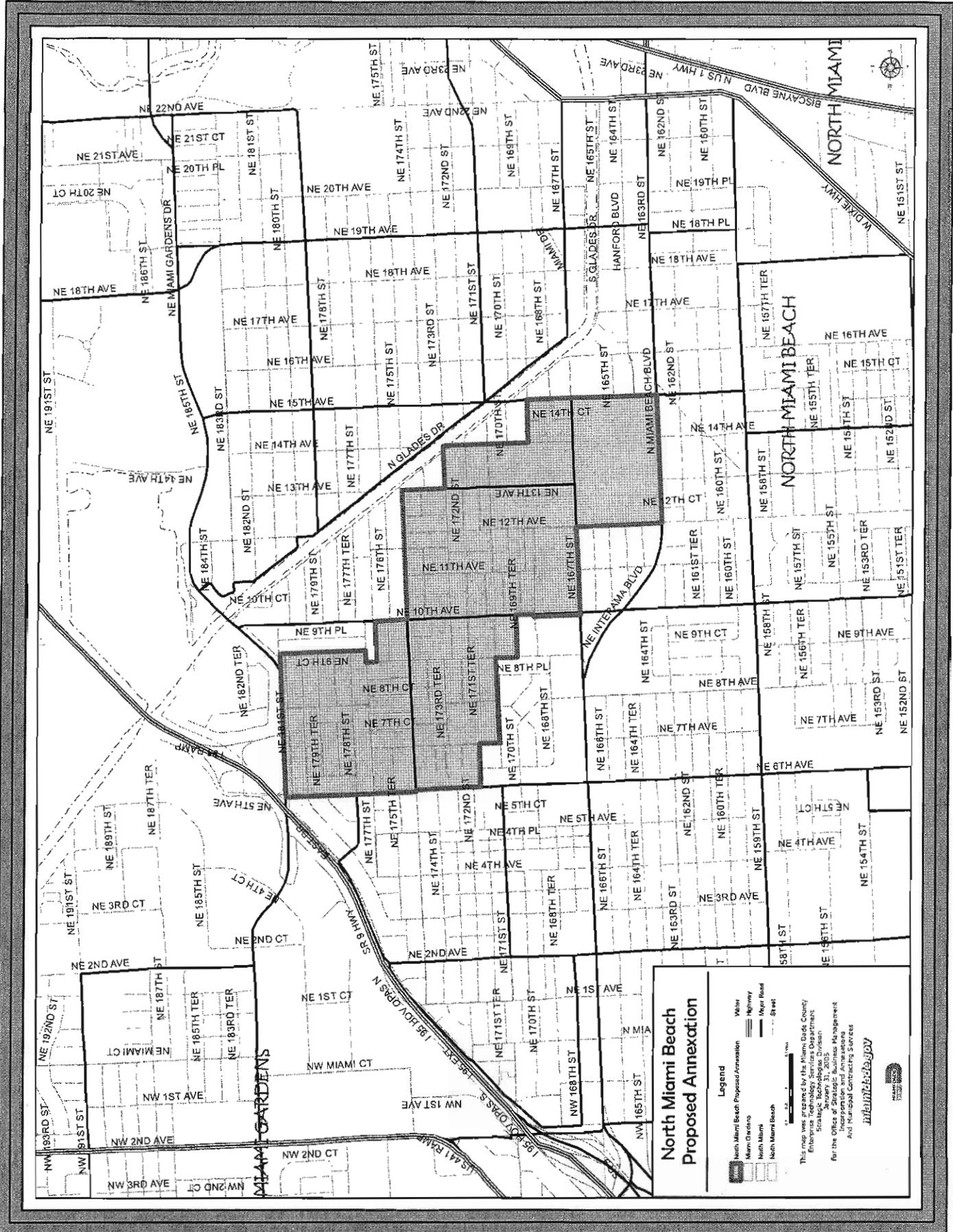


Drawn By JJB
 Cad. No. 021485lo
 Ref. Dwg. -
 Plotted: 3/21/03 2:33p

LOCATION SKETCH
FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date 3/21/03
 Scale 1"=1000'
 Job. No. 021485
 Dwg. No. 1003-025
 Sheet 3 of 3

13-



**North Miami Beach
Proposed Annexation**

Legend

- North Miami Beach Proposed Annexation
- White
- Miami Gardens
- North Miami
- North Miami Beach
- Highway
- Major Road
- Street

This map was prepared by the Miami Dade County
 Enterprise Technology Services Department
 Strategic Information Systems Division
 for the Office of Strategic Business Management
 Incorporation and Annexation
 and Municipal Contracting Services

miamidade.gov