

MEMORANDUM

GOE
Agenda Item No.
3(F)

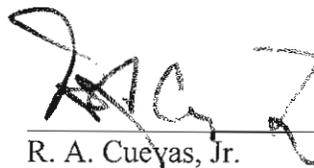
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 12, 2008

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

SUBJECT: Resolution calling Special
Election with regard to
proposed annexation by
City of North Miami Beach

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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

DATE: March 4, 2008

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

SUBJECT: Agenda Item No.

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.
3-4-08

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES AS SET FORTH HEREIN THE QUESTION OF WHETHER THE DESCRIBED AREA SHOULD BE ANNEXED TO THE CITY OF NORTH MIAMI BEACH

WHEREAS, on _____, this Board passed Ordinance No.

_____ entitled:

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

and

WHEREAS, such ordinance provides that it shall take effect only if approved by a majority vote of the electors residing within the area and voting in an election to be called by this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held within the boundaries of the area described in this Resolution on Tuesday, June 24, 2008, for the purpose of submitting to the qualified electors residing therein the question of whether the area described in this Resolution should be annexed to the City of North Miami Beach. The boundaries of the unincorporated area proposed for annexation to the City of North Miami Beach are:

The unincorporated portion of Miami-Dade County, Florida lying within the following described bounds:

On the north by NE 181 ST on the east by NE 6 AVE and on the west by NE 9 CT and on the south by NE 171 ST; on the north NE 175 ST on the east NE 13 AVE, on the west NE 10 AVE and on the south NE167 ST; on the north NE 173 ST, on the east NE 15 AVE, on the west NE 12 AVE and on the south NE 163 ST.

As said portion of Miami-Dade County is more particularly described, as follows:

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 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

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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 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.**

The Supervisor of Elections is authorized to take all actions necessary, including modifying the boundaries of any precinct, to assure that only the qualified electors residing in the boundaries of

the proposed annexed area to the City of North Miami Beach vote on the annexation question set forth herein.

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes (2006).

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing within the said area voting at such special election. All qualified electors residing within the said area shall be entitled to vote at said special election. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors residing within the boundaries of the proposed annexed area to the City of North Miami Beach shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. The question shall appear on the ballot in substantially the following form:

Annexation to the City of North Miami Beach

Shall the area within the boundaries generally described below be annexed to the City of North Miami Beach:

Bounded on the NORTH by NE 181st Street;
Bounded on the SOUTH by NE 163rd Street;
Bounded on the WEST by NE 6th Avenue; and
Bounded on the EAST by NE 15th Avenue?

YES

NO

Section 4. The form of the ballot shall be in accordance with the general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of the general election laws.

Section 6. Absentee paper ballots may be used by qualified electors residing within the boundaries of the proposed annexation to the City of North Miami Beach for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question regarding approval of the proposed annexation, with proper place for voting either "Yes" or "No".

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 8. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Amendment and Charter. The County Manager, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This special election shall be a nonpartisan election. Election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, and in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by the Board of County Commissioners and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CAC

Craig H. Coller

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