

**MEMORANDUM**

Agenda Item No. 7(D)

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


**DATE:** (Second Reading 6-3-08)  
March 18, 2008

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

**SUBJECT:** Ordinance changing the  
boundaries of the City of  
North Miami, Florida

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** June 3, 2008

**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

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The ordinance changing the boundaries of the City of North Miami will have a negative impact to the Unincorporated Municipal Service Area (UMSA) of approximately \$4,000. Pursuant to County Code, the County would retain the franchise fees and utility taxes generated in the annexation area. However, because the area is currently not developed there are no franchise fees or utility taxes generated. This information was presented to the Board of County Commissioners on February 5, 2008, as part of the City of North Miami annexation report.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon".

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Jennifer Glazer-Moon  
Director, Office of Strategic Business Management

Fis03208



**MEMORANDUM**  
(Revised)

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

**DATE:** June 3, 2008

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

**SUBJECT:** Agenda Item No. 7(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. 7(D)  
6-3-08

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

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, 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 are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of North Miami of the following property:

**Annexation by the City of North Miami**

**Legal Description**

That portion of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East, lying East of the centerline of NE 2<sup>nd</sup> Ave. (known as NE 2<sup>nd</sup> Ct.) as shown and delineated upon Deed Book 1952, Page 509, of record, in Miami-Dade County, Public Record's, Florida.

**And**

That portion of the S  $\frac{1}{2}$  of the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Section 19, Township 52 South, Range 42 East, lying East of the centerline of NE 2<sup>nd</sup> Ave. (known NE as 2<sup>nd</sup> Ct.) as shown and delineated upon Deed Book 1952, Page 509, of record, in Miami- Dade County, Public Record's, Florida.

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encompassing an area described by Resolution No. R-2005-21, passed and adopted by the Commission of the City of North Miami, 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.

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Section 4. This Ordinance shall be effective only if the City of North Miami executes a duly authorized interlocal agreement acceptable to the County wherein it agrees 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.

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 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:



Craig H. Coller

Sponsored by the Board of County Commissioners

**RESOLUTION NO. R-2005-21**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING RESOLUTION NO. R-2004-74 TO EXPAND THE BOUNDARIES FOR THE CITY'S SUBMITTAL OF AN APPLICATION TO MIAMI-DADE COUNTY TO ANNEX CERTAIN VACANT MULTI-FAMILY RESIDENTIAL PARCELS ALONG N.E. 2<sup>ND</sup> COURT.**

**WHEREAS**, Miami-Dade County has expressed a desire to reduce the number of enclave areas within the unincorporated area of the County; and

**WHEREAS**, ONM Development LLC (Owner), the fee simple owner of five (5) contiguous parcels of vacant land that are approximately 5.16 acres combined and located at or near 13800 NE 3<sup>rd</sup> Court, two (2) of which are within the City of North Miami and three (3) of which are 2.78 acres and within the unincorporated area of the County and more specifically described and identified as "Exhibit A" (Property), has requested the annexation of the three (3) parcels of vacant land located in unincorporated Miami-Dade County; and

**WHEREAS**, the Mayor and City Council, at its January 8, 2004 and November 9, 2004 meetings, expressed its support and approval to annex the three (3) unincorporated parcels; and

**WHEREAS**, the Owner seeks to develop the Property for a multi unit residential condominium; and

**WHEREAS**, the City Administration has recommended an expansion of the proposed annexation boundaries because the proposed parcels are contiguous to the parcels previously approved by the City Council for annexation; and

**WHEREAS**, based on the Administration's recommendation the Mayor and City Council wish to amend Resolution No. R-2004-74 to expand the proposed annexation boundaries for the parcels legally described and identified as "Exhibit A."

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

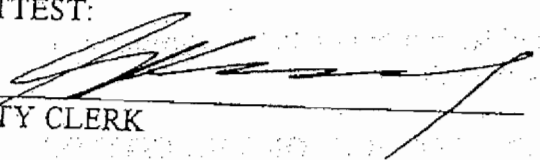
**Section 1.** That Resolution No. R-2004-74 is amended to expand the proposed annexation boundaries and include the parcels legally described and identified as "Exhibit A."

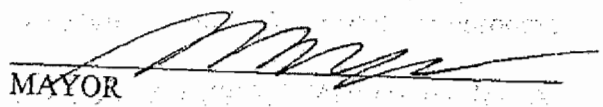
**Section 2.** That the City Administration shall submit an amended annexation application to Miami-Dade County for its consideration and approval.

**Section 3.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED by a 3-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 22 day of March, 2005.

ATTEST:

  
CITY CLERK

CITY OF NORTH MIAMI  
  
MAYOR

APPROVED AS TO FORM:

 03/15/05  
INTERIM CITY ATTORNEY

SPONSORED BY: ADMINISTRATION



**LEGAL DESCRIPTION OF PARCELS FOR ANNEXATION**

**Parcel 1: Folio No. 30-2219-000-0900**

That part of the South 1/2 of the North 1/2 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 19, Township 52 South, Range 42 East, lying East of the Center line of NE 2nd Avenue (now known as NE 2nd Ct.) As shown on the map attached to the deed recorded in Deed Book 1952, Page 509, less the West 25.00 feet, lying and being in Miami-Dade County, Florida; AND

**Parcel 2: Folio No. 30-2219-000-0890**

That part of the N 1/2 of the S 1/2 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 19, Township 52 South, Range 42 East, lying East of the Center line of NE 2nd Avenue, as shown on map attached to deed recorded in Deed Book 1952 at Page 509 of the Public Records of Dade County, Florida, subject to the Dedication of the West 25 feet for Street purposes; AND

**Parcel 3: Folio No. 30-2219-000-0870**

That part of the South 1/2, of the South 1/2, of the NW 1/4, of the SW 1/4, of the SW 1/4, of Section 19, Township 52 South, Range 42 East, lying East of the centerline of Northeast Second Avenue, as shown on Map attached to Deed recorded in Deed Book 1952, Page 509, of the Public Records of Miami-Dade County, Florida.

**Exhibit A**

*Miami-Dade County*  
**North Miami Proposed Annexation**

