

MEMORANDUM

Agenda Item No. 4(I)

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

DATE: July 17, 2008

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

SUBJECT: Ordinance changing the
boundaries of Florida City
Florida

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



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(Revised)

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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(I)
7-17-08

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF FLORIDA CITY, 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 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 Florida City are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Homestead of the following property:

**FLORIDA CITY
COMBINED LEGAL DESCRIPTION
ANNEXATION AREAS G-1, G-2 AND G-3**

The East one-half of the Southwest one-quarter of the Southwest one-quarter of Section 25, Township 57 South, Range 38 East, Miami-Dade County, Florida; being more particularly described as follows:

BEGIN at the Northeast corner of the Southwest one-quarter of the Southwest one quarter of said Section 25, also being the intersection of the centerline of S.W. 356th Street (S.W. 11th Street) and the East line of the Southwest one-quarter of the Southwest one-quarter of said Section 25; thence Southerly along said East line of the Southwest one-quarter of the Southwest one-quarter of Section 25 to the intersection with the South line of the Southwest one-quarter of said Section 25, also being the centerline of S.W. 360th Street (Lucille Drive); thence Westerly along said South line of the Southwest one quarter of Section 25, also being the centerline of

S.W. 360th Street (Lucille Drive), to the intersection with the West line of the East one-half of the Southwest one-quarter of the Southwest one-quarter of said Section 25; thence Northerly along said West line of the East one-half of the Southwest one-quarter of the Southwest one-quarter of Section 25 to the North line of the Southwest one-quarter of the Southwest one-quarter of said Section 25, also being the centerline of S.W. 356th Street (S.W. 11th Street); thence Easterly along the said North line of the Southwest one-quarter of the Southwest one quarter of Section 25, also being the centerline of S.W. 356th Street (S.W. 11th Street), to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

A portion of the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 25, Township 57 South, Range 38 East, also being all of Blocks 8 and 9, FLORIDA CITY REALTY COMPANY'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 14, Page 50 of the Public Records of Miami-Dade County, Florida; together with the right-of-way of 24th Street lying between said Blocks 8 and 9, and that portion of the right-of-way of S.W. 180th Avenue (S.W. 5th Avenue) lying adjacent to said Blocks 8 and 9 in Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter said Section 25; being more particularly described as follows:

BEGIN at the Southwest corner of the Southeast one-quarter of said Section 25, also being the intersection of the centerlines of S.W. 360th Street (Lucille Drive) and the Westerly line of the said Southeast one-quarter of Section 25, thence Northerly along said West line of the Southeast one-quarter of Section 25 to the intersection with the centerline of S.W. 359th Street (23rd Street); thence Easterly along the centerline of S.W. 359th Street (23rd Street) to the intersection with the East line of the Southwest one quarter of the Southwest one-quarter of the Southeast one-quarter of said Section 25; thence Southerly along said East line of the Southwest one-quarter of the Southwest one quarter of the Southeast one-quarter of Section 25 (S.W. 280th Avenue / S.W. 5th Avenue) to the intersection with the South line of the Southeast one-quarter of said Section 25; thence Westerly along said South line of the Southeast one-quarter of Section 25, also being the centerline of S.W. 360th Street (Lucille Drive), to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

The East one-half of the Northwest one-quarter of the Northeast ¼ of the Southeast one quarter of Section 25, Township 57, Range 38 East, Miami-Dade County, Florida; being more particularly described as follows:

BEGIN at the intersection of the Northerly line of the Southeast one-quarter of said Section 25, also being the centerline of S.W. 352nd Street (S.W. 7th Street) and the East line of the Northwest one-quarter of the Northeast one-quarter of the Southeast one quarter of said Section 25; thence Southerly along said East line of the Northwest one quarter of the Northeast one-quarter of the Southeast one-quarter of Section 25 to the Southeast corner of the Northwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of said Section 25; thence Westerly along the South line of the Northwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of said Section 25 to the Southwest corner of the East one-half of the Northwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of said Section 25; thence Northerly along the West line of the East one-half of the Northwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of said Section 25 to the intersection with the North line of the Southeast one-quarter of said Section 25, also being the centerline of S.W. 352nd Street (S.W. 7th Street); thence Easterly along said North line of the Southeast one-quarter of Section

25, also being the centerline of S.W. 352nd Street (S.W. 7th Street), to the POINT OF BEGINNING.

encompassing an area described by Resolution No. 05-40, passed and adopted by the Commission of Florida City, 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. 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 5. 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 6. 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

Prime Sponsor: Board of County Commissioners