

MEMORANDUM

Agenda Item No. 4(J)

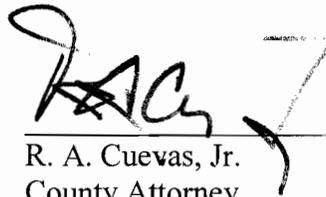
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 17, 2008

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

SUBJECT: Ordinance changing the
boundaries of Miami Shores
Village, 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



MEMORANDUM
(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(J)

7-17-08

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF MIAMI SHORES VILLAGE, 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 Miami Shores Village are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to Miami Shores Village of the following property:

**MIAMI SHORES VILLAGE
LEGAL DESCRIPTION**

THAT PORTION OF MIAMI-DADE COUNTY, FLORIDA IN SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST, BOUNDED ON THE NORTH BY THE CENTERLINE OF N.W. 115TH STREET, BOUNDED ON THE SOUTH BY CENTERLINE OF N.W. 111TH STREET, BOUNDED ON THE WEST BY THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE 95, BOUNDED ON THE EAST BY THE EXISTING BOUNDARY OF THE VILLAGE OF MIAMI SHORES ALONG THE CENTERLINE OF N.W. 5TH AVENUE

A PORTION OF N.W. AND N.E. 115TH STREET, RIGHT OF WAY, LOCATED IN SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST OF MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTHERLY RIGHT OF WAY LINE OF N.W. AND N.E. 115TH STREET; BOUNDED ON THE SOUTH BY THE CENTERLINE OF N.W. AND N.E. 115TH STREET, BOUNDED ON THE WEST BY THE CENTERLINE OF N.W. 5TH AVENUE. BOUNDED ON THE EAST BY THE EAST RIGHT OF WAY LINE OF N.E. 2ND AVENUE.

A PORTION OF N.W. 111TH STREET RIGHT OF WAY, LOCATED IN SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST OF MIAMI-DADE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE CENTERLINE OF N.W. 111TH STREET; BOUNDED ON THE SOUTH BY THE SOUTHERLY RIGHT OF WAY LINE OF N.W. 111TH STREET; BOUNDED ON THE WEST BY THE CENTERLINE OF N.W. 5TH AVENUE; BOUNDED ON THE EAST BY THE NORTHERLY PROJECTION OF THE WEST PROPERTY LINE OF LOT 24 OF THE PLAT OF SHORELAND HEIGHTS AS RECORDED IN PLAT BOOK 43 AT PAGE 85 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A PORTION OF N.E. 2ND AVENUE RIGHT OF WAY, LOCATED IN SECTION 31, TOWNSHIP 52 SOUTH, RANGE 42 EAST OF MIAMI-DADE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTHERLY RIGHT OF WAY LINE OF N.E. 115TH STREET, BOUNDED ON THE SOUTH BY THE CENTERLINE OF N.E. 107TH STREET; BOUNDED ON THE WEST BY THE CENTERLINE OF N.E. 2ND AVENUE, BOUNDED ON THE EAST BY THE EAST, RIGHT OF WAY LINE OF N.E. 2ND AVENUE.

encompassing an area described by Resolution No. 1077-04, passed and adopted by the Council of Miami Shores Village, which resolutions are 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 Miami Shores Village executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to: pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at approximately \$2,537 per year for approximately 25 years until FY 2028-29 or as provided in the interlocal agreement.

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

Prime Sponsor: Board of County Commissioners