

MEMORANDUM

Agenda Item No. 7(G)

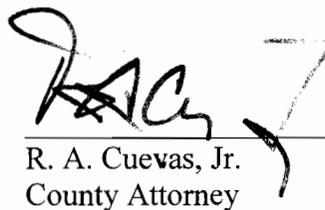
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 2, 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



Date: December 2, 2008

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

From: George M. Borges
County Manager

Subject: Ordinance changing the boundaries of Miami Shores Village

The ordinance changing the boundaries of Miami Shores Village will have a positive impact to the Unincorporated Municipal Service Area (UMSA) of approximately \$33,000. Additionally, the County will retain the franchise fees and utility taxes generated in the annexation area of approximately \$9,500 and \$13,500, respectively. This information was presented to the Board of County Commissioners on June 13, 2008, as part of the Miami Shores Village annexation report.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon". The signature is written in a cursive style and is positioned above a horizontal line.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

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MEMORANDUM
(Revised)

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

DATE: December 2, 2008

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

SUBJECT: Agenda Item No. 7(G)

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(G)
12-2-08

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 AND UTILITY 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

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 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.

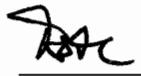
Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered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



EXHIBIT A

RESOLUTION NO. 1077-04

A RESOLUTION OF THE MIAMI SHORES VILLAGE COUNCIL,
APPROVING THE INITIATION OF A PROPOSED MUNICIPAL
BOUNDARY CHANGE PURSUANT TO SECTION 20-3, MIAMI-DADE
COUNTY CODE OF ORDINANCES.

WHEREAS, the Miami Shores Village Council directed the Village Manger to evaluate the feasibility of annexing a small area of Unincorporated Miami-Dade County, described as: Seventh Avenue Subdivision (Plat Book 19, Page 79), Lots 1-38 of Block 1, Lots 1-8 of Block 2 and Lots 32-38 of Block 2, as well as in the West Shores Subdivision (Plat Book 42, Page 18), Lots 1-20 of Block 6, Lots 10-15 of Block 1, Lots 10-15 of Block 2, Lots 1-20 of Block 5, Lots 1-20 of Block 4, and Lots 10-15 of Block 3; the street boundaries of which are the north side of NW 111th Street north to the south side of NW 115th Street from NW 5th Avenue west to Interstate 95 (exclusive of the Department of Transportation's right-of-way), all situated to the northwest of the current Village boundaries; and,

WHEREAS, the Miami Shores Village Council, at its regular meeting of April 6, 2004, directed the Village Manager to proceed with an annexation application by giving written notice to property owners within the proposed area to be annexed and within 600 feet of the boundaries of the proposed area to be annexed, according to the current tax assessment roll, prior to the public hearing on Tuesday, June 22, 2004, where a resolution to initiate the municipal boundary change would be considered by the Village Council, in accordance with Section 20-3, Miami-Dade County Code; and,

WHEREAS, Miami Shores has noticed the public hearing to initiate the municipal boundary change in a newspaper in Miami-Dade County at least five (5) days before the public hearing; and

WHEREAS, information regarding this proposed municipal boundary change is available at Village Hall for public inspection, including a map of the area; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA:

Section 1. The statements made above are correct and are part of this resolution.

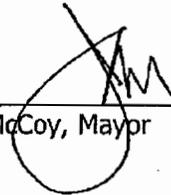
Section 2. The Village Council, through this resolution, formally requests the Board of County Commissioners to modify the Village boundary to include the area to be annexed as referenced above, pursuant to Section 20-3, Miami-Dade County Code.

Section 3. The Village Manager shall complete all documents and maps required by Section 20-3, Miami-Dade County Code, and respond to any questions posed by the Staff or Administration of Miami-Dade County concerning this resolution and the annexation application.

Section 4. The Village Clerk shall distribute certified copies of this resolution and the annexation application to the Clerk of the County Commission in accordance with Section 20-3, Miami-Dade County Code.

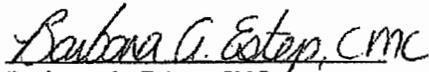
Section 5. This resolution shall become effective upon its adoption by the Miami Shores Village Council.

PASSED AND ADOPTED THIS 22nd day of June, 2004 .



Jim McCoy, Mayor

ATTEST:



Barbara A. Estep, CMC
Village Clerk

APPROVED AS TO FORM:



Richard Sarafan,
Village Attorney

