

MEMORANDUM

Agenda Item No. 7(c)

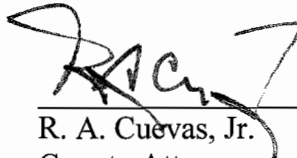
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 5-5-09)
February 17, 2009

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

SUBJECT: Ordinance changing the
boundaries of the City of
Homestead, and amending the
Charter of such municipality by
providing for the annexation
of certain lands

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor the Board of County Commissioners.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: May 5, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is written in a cursive style and is positioned over the printed name of the sender.

Subject: Ordinance changing the boundaries of the City of Homestead

The ordinance changing the boundaries of the City of Homestead will have an estimated positive impact to the Unincorporated Municipal Service Area (UMSA) of approximately \$9,500. Additionally, the County will retain the franchise fees and utility taxes generated in the annexation area of approximately \$53 and \$75, respectively. This information was presented to the Board of County Commissioners on December 2, 2008, as part of the Homestead 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 the printed name of the sender.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

fis02809



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 7 (C)

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 Mayor'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

Agenda Item No. 7(C)

Veto _____

5-5-09

Override _____

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF HOMESTEAD, 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 the City of Homestead 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:

**HOMESTEAD ANNEXATION
LEGAL DESCRIPTION**

The Southeast 1/4 of the Southwest 1/4 of Section 14, Township 57 South, Range 38 East in Miami-Dade County, Florida; bounded on the South by SW 328th Street (also known as Lucy Street or SW 8th Street); bounded on the West by SW 194th Avenue; bounded on the North by SW 324th Street; bounded on the East by SW 192nd Avenue (also known as Tower Road or Longview Road or SW 18th Avenue).

encompassing an area described by Resolution No. 2007-04-46, passed and adopted by the City

of Homestead Council, 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 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 the City of Homestead executes a duly authorized interlocal agreement acceptable to the County.

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

RESOLUTION NO. 2007-04-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING SUBMITTAL OF AN APPLICATION TO ANNEX INTO THE CITY AN AREA OF CONTIGUOUS REAL PROPERTY GENERALLY LOCATED BETWEEN SW 328TH STREET AND SW 324TH STREET, AND BETWEEN SW 194TH AVENUE AND SW 192ND AVENUE, COMMONLY KNOWN AS "ANNEXATION AREA SW" AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 20-3 of the Miami-Dade County Code of Ordinances ("County Code") requires a Resolution of the City Council of the City of Homestead (the "City Council") approving submittal of an application for the annexation of unincorporated property into the jurisdictional limits of the City; and

WHEREAS, the City Council desires to apply to Miami-Dade County for approval of the proposed annexation of property described in Exhibit "A" (the "Property") owned by Avenue B. Development as set forth within the annexation application attached as Exhibit "B" and

WHEREAS, the existing Miami-Dade County zoning classification for the Property is AU (Agricultural) and the Land Use Designation on the Miami-Dade County Comprehensive Development Master Plan is Estate Density Residential; and

WHEREAS, pursuant to Section 30-366 "Annexed property" of the City Code of Ordinances ("City Code"), a property owner within the Property will not be permitted to develop his or her property after annexation, until such time as the owner applies for and the City Council amends the City's Comprehensive Plan (the "Plan") and re-zones his or her property to conform with the requirements of the City Code and Plan; and

WHEREAS, the City Council finds that the proposed annexation meets the goals and objectives of the City's Comprehensive Plan; and

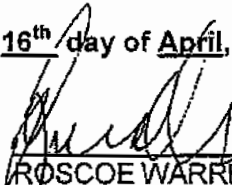
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AS FOLLOWS:

Section 1. Approval. The City Council hereby expresses its support for the proposed annexation.

Section 2. Zoning of Annexed Lands. The initial zoning of the annexed lands shall be as provided by Section 30-366 "Annexed property" of the City's Code of Ordinances.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 16th day of April, 2007.



ROSCOE WARREN
Mayor

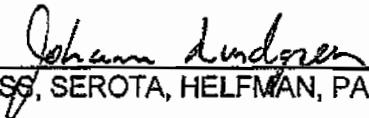
ATTEST:



SHEILA PAUL SHEDD, CMC
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



WEISS, SEROTA, HELFMAN, PASTORIZA, COLE & BONISKE, P.A., City Attorney

