

MEMORANDUM

BPS

Agenda Item No. 1E1

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

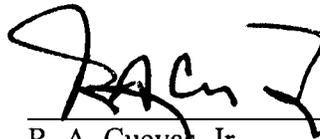
DATE: September 14, 2010

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

SUBJECT: Ordinance changing the
boundaries of the City of
Sweetwater, Florida

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

Consistent with the Board's indication that it desires the City of Sweetwater to receive increased revenues as a result of the subject annexation, this ordinance exempts the City from Section 20-28 of the Code. That section requires cities annexing unincorporated areas to pay the County 100 % of the net revenues minus expenses derived from any portion of the annexed area designated as a Commercial Business and Industrial ("CBI") area. In this case, the annexed area includes Dolphin Mall, which is a CBI area.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: June 15, 2010

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

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
6-15-10

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, 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; EXEMPTING THE ANNEXATION FROM SECTION 20-28 OF THE CODE OF MIAMI-DADE COUNTY REQUIRING MUNICIPALITIES TO MAKE CERTAIN PAYMENTS TO THE COUNTY WHEN ANNEXING COMMERCIAL, BUSINESS AND INDUSTRIAL ("CBI") AREAS; 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 Sweetwater are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Sweetwater of the following property:

Annexation by the City of Sweetwater

Legal Description

SUBAREA I:

Beginning at the City's Western boundary on the North side of West Flagler Street, then North to N.W. 1st Terrace, then East along the City's boundary line to

N.W. 112th Avenue, then North to N.W. 7th Street, then West to N.W. 114th Avenue, then South to N.W. 2nd Street, then West to N.W. 116th Avenue, then South to West Flagler Street, then East to the point of beginning.

SUBAREA 2

Beginning on N.W. 110th Avenue and N.W. 7th Street, then North to SR 836, then West to the Snapper Creek Canal, then South to West Flagler Street, then East to N.W. 116th Avenue, then North to N.W. 2 Street, then East to N.W. 114th Avenue, then North to N.W. 7th Street, then East to the point of beginning.

SUBAREA 3

Beginning at the intersection of N.W. 107th Avenue and SR836, then West to the Snapper Creek Canal, then North to N.W. 25th Street, then East to N.W. 107th Avenue, then South to the point of beginning.

encompassing an area described by Resolution No. 3377, passed and adopted by the Commission of the City of Sweetwater, 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. The provisions of Section 20-28 of the Code of Miami-Dade County, requiring an annexing municipality to pay to the County 100% of the net excess of revenues minus expenses attributable to an annexed area designated as a CBI, shall not apply to this annexation.

Section 5. This Ordinance shall be effective only if the City of Sweetwater 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 \$39,200 per year for approximately 19 years until FY 28-29 or as provided in the interlocal agreement.

Section 6. 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 7. 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 8. This ordinance shall become effective: (a) 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; and (b) filing with the Clerk of this Board, within 30 days after enactment of this ordinance, of a resolution of the City of Doral consenting to the subject City of Sweetwater annexation; and (c) approval by a majority of the electors in the area to be annexed, voting in an election to be called by this Board.

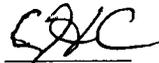
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



The image shows a handwritten signature in black ink, which appears to be "JAC", written over a horizontal line.

Prepared by:



The image shows a handwritten signature in black ink, which appears to be "C/C", written over a horizontal line.

Craig H. Coller

Prime Sponsor: Board of County Commissioners

RESOLUTION NO. 3377

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, TO PROCEED WITH PLANS FOR ANNEXATION OF ADJACENT UNINCORPORATED AREAS NORTH OF THE CITY OF SWEETWATER AND DESIGNATING THE LAW FIRM OF MIGUEL DE GRANDY, P.A. TO REPRESENT THE CITY OF SWEETWATER IN PREPARATION OF NECESSARY DOCUMENTS AND REPRESENTATION BEFORE MIAMI-DADE COUNTY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Sweetwater is an incorporated municipality contained within the County of Miami-Dade; and,

WHEREAS, The City of Sweetwater has very few commercial and industrial areas, thereby creating an inordinate tax burden to finance services for the residents of Sweetwater; and,

WHEREAS, The City of Sweetwater's population is composed mainly of middle and lower income hard working families, who cannot afford to fully shoulder the burden of taxes for improvement of services and infrastructure; and,

WHEREAS, Adjacent residential communities to the North of the City of Sweetwater would benefit by becoming part of this municipality, thereby improving their police response time and other services; and,

WHEREAS, Areas to the North of Sweetwater are currently designated as commercial and industrial, and could assist in balancing the tax base; and,

WHEREAS, The City will require the services of experienced legal counsel that is both familiar with the areas contemplated for annexation, as well as the laws and processes related thereto; and,

WHEREAS, Miguel De Grandy, President of Miguel De Grandy, P.A. and formerly a Shareholder and head of the Governmental and Administrative Division of Greenberg Traurig (law firm previously retained by Sweetwater for annexation counsel), has a great degree of experience in the particular legal issues presented by the Miami-Dade County Charter; and,

WHEREAS, Miguel De Grandy has served as counsel to the City of Coral Gables in their successful efforts to annex unincorporated areas into their City; and,

WHEREAS, Miguel De Grandy, P.A. has been retained by the City to do consulting and legal work on this issue:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

SECTION 1. That the Mayor and Commission of the City of Sweetwater hereby agree to proceed with plans for annexation of adjacent unincorporated lands to the North of the City of Sweetwater as more fully set forth in Exhibit 1 attached to this resolution.

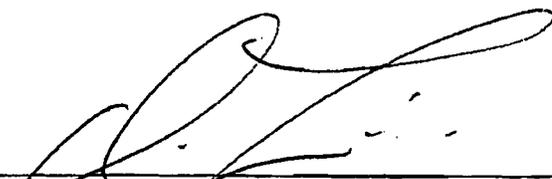
SECTION 2. That the law firm of Miguel De Grandy, P.A. is directed to prepare preliminary plans and prepare necessary documents and proceed with representation of the City throughout the annexation process before the Miami-Dade County Commission.

SECTION 3. That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED AND ADOPTED this *24th* day of *November*, 2008.



MANUEL MAROÑO, MAYOR



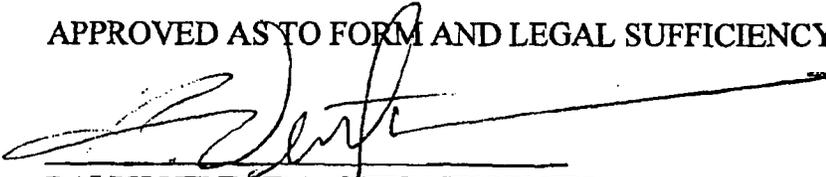
ORLANDO LOPEZ, COMMISSION PRESIDENT

ATTEST:



MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

ORLANDO LOPEZ, COMMISSION PRESIDENT
JOSE M. DIAZ, COMMISSION VICE PRESIDENT
ARIEL J. ABELAIRAS, COMMISSIONER
PRISCA BARRETO, COMMISSIONER
JOSE BERGOUIGNAN, JR., COMMISSIONER
MANUEL DUASSO, COMMISSIONER
JOSE M. GUERRA, COMMISSIONER

YES
YES
YES
YES
ABSENT
YES
YES

EXHIBIT 1 TO RESOLUTION NO. 3377

The following are boundaries for the three sub-areas of the proposed annexation of unincorporated properties by the City of Sweetwater:

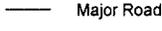
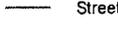
SUB AREA 1: Beginning at the City's Western boundary on the North side of West Flagler Street, then North to N.W. 1st Terrace, then East along the City's boundary line to N.W. 112 Avenue, then North to N.W. 7 Street, then West to N.W. 114 Avenue, then South to N.W. 2 Street, then West to N.W. 116 Avenue, then South to West Flagler Street, then East to the point of beginning.

SUB-AREA 2: Beginning on N.W. 110 Avenue and N.W. 7 Street, then North to SR 836, then West to the Snapper Creek Canal, then South to West Flagler Street, then East to N.W. 116 Avenue, then North to N.W. 2 Street, then East to N.W. 114 Avenue, then North to N.W. 7 Street, then East to the point of beginning.

SUB-AREA 3: Beginning at the intersection of N.W. 107 Avenue and SR836, then West to the Snapper Creek Canal, then North to N.W. 25 Street, then East to N.W. 107 Avenue, then South to the point of beginning.

Sweetwater Proposed Annexation

Legend

-  Doral
-  Sweetwater
-  Sub-Area 1
-  Sub-Area 2
-  Sub-Area 3
-  Highway
-  Major Road
-  Street



This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Geographic Information Systems (GIS) Division
March, 2009
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services



Delivering Excellence Every Day

