MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: October 19, 2010

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

SUBJECT: Resolution calling Special Election for the purpose of submitting to the qualified electors residing with the boundaries as set forth the question of whether the described area should be annexed to the City of Sweetwater

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: October 19, 2010

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

SUBJECT: Agenda Item No. 11(A)(2)

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. 11(A)(2)
10-19-10

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES AS SET FORTH HEREIN THE QUESTION OF WHETHER THE DESCRIBED AREA SHOULD BE ANNEXED TO THE CITY OF SWEETWATER; PROVIDING THAT THE RESOLUTION WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS

WHEREAS, on _____, this Board passed Ordinance No. _____ entitled:

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;

and

WHEREAS, such ordinance provides, among other things, that it shall take effect only if approved by a majority vote of the electors residing within the area and voting in an election to be called by this Board; and

WHEREAS, pursuant to Section 6.04 (B) of the Miami-Dade County Home Rule Charter a majority vote of the qualified electors residing in the designated area is required for the annexation described in Ordinance No. _____; and

WHEREAS, the Board of County Commissioners desires that a mail ballot election be used for this purpose; and

WHEREAS, Miami-Dade County Ordinance 96-04 and Florida Statute §§ 101.6102 and 101.6103 provides the rules and procedures for the conduct of mail ballot elections,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held within the boundaries of the area described in this Resolution for the purpose of submitting to the qualified electors residing therein the question of whether the area described in this Resolution should be annexed to the City of Sweetwater. The boundaries of the unincorporated area proposed for annexation to the City of Sweetwater are within the following described bounds:

SWEETWATER ANNEXATION AREA

Legal Description:

Portions of Section 31, Township 53 South, Range 40 East, Section 6, Township 54 South, Range 40 East and Government Lot 6, between Townships 53 and 54 South, Range 40 East, lying in Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the intersection of the south line of the Northwest 1/4 of Section 6, Township 54 South, Range 40 East, also being the centerline of West Flagler Street, with the southerly projection of the west line of the East 1/2 of said Lots 7 and 8, Block 25 of SWEETWATER GROVES, according to the plat thereof recorded in Plat Book 8, Page 50 of the Public Records of Miami-Dade County, Florida; thence northerly along said southerly projection and said west line of the East 1/2 of Lots 7 and 8, Block 25 to the Northwest corner of the East 1/2 of said Lot 7, Block 25; thence easterly along the north line of said Lot 7, Block 25 and its easterly projection to the southwest corner of Lot 6, Block 24 of said SWEETWATER GROVES; thence northerly along the west line of said Block 24 and its extension, being 15 feet east of and parallel to both the west line of the Northeast 1/4 of said Section 6 and the centerline of NW 112 Avenue, to the intersection with the north line of said Northeast 1/4 of Section 6; thence easterly along said north line of the Northeast 1/4 of Section 6, also being the centerline of NW 7 Street, to the intersection with the southerly projection of the east line of Tract "A", EURO SUBDIVISION, according to the plat thereof recorded in Plat Book 134, Page 43 of the Public Records of Miami-Dade County, Florida; thence northerly along said southerly projection and the east line of Tract "A" to the northeast corner of said Tract "A" and the southerly limited access right of way line of State Road 836 as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence easterly along said southerly limited access right of way line to the intersection with the east line of said Government Lot 6; thence northerly along said east line of Government Lot 6 and the east line of said Section 31, also being the centerline of NW 107 Avenue, to the intersection with the north right of way line of NW 25 Street; thence westerly along said north right of way line of NW 25 Street, also being 60 feet south of and parallel with the north line of said Section 31, to the intersection with the west line of said Section 31; thence southerly along the west line of said Section 31 to the intersection with the north line of said Government Lot 6; thence easterly along said north line of Government Lot 6 to the intersection with the east line of a 130 foot wide canal reservation as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence southerly along said east line of said canal reservation, also being 130 feet east of and parallel to the west line of said Government Lot 6, to the intersection with the north line of said Section 6; thence easterly along the north line of said Section 6 to the southwest corner of Tract "A" of TORREMOLINOS WEST – PHASE ONE, according to the plat thereof recorded in Plat Book 126, Page 25 of the Public Records of Miami-Dade County, Florida; thence continue easterly along the north line of said Section 6, also being the south line of said Tract "A", for 115.00 feet to the intersection with the easterly limited access right of way line of State Road 836 as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence southerly along said easterly limited access right of way line to the intersection with the north line of Tract "A" of ORSA SUBDIVISION, according to the plat thereof recorded in Plat Book 140, Page 61 of the Public Records of Miami-Dade County, Florida; thence westerly along the north line of

said Tract "A" to the intersection with the east line of a 40 foot wide canal right of way as shown on said plat of ORSA SUBDIVISION; thence southerly along said east line of 40 foot wide canal right of way to the intersection with the south line of the NW 1/4 of said Section 6; thence easterly along said south line of the NW 1/4, also being the centerline of West Flagler Street, to the POINT OF BEGINNING.

The Supervisor of Elections is authorized to take all actions necessary, including modifying the boundaries of any precinct, to assure that only the qualified electors residing in the boundaries of the proposed annexed area to the City of Sweetwater vote on the annexation question set forth herein.

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes (2009).

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing within the said area voting at such special election. All qualified electors residing with the said area shall be entitled to vote at said special election.

Section 4. Mail ballots are hereby authorized for such special election pursuant to Sections 101.6101 through 101.6107, Florida Statutes (2009) and Ordinance 96-04. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in the proposed annexed area at least ten (10) calendar days prior to the date of the special election.

Section 5. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws.

Section 6. This special election shall be held on _____. All marked ballots must be received by 7:00 p.m. on the day of said election.

Section 7. The question which shall appear on the ballot shall be in substantially the following form:

Annexation to the City of Sweetwater

Shall the area within the general boundaries described below be annexed to the City of Sweetwater?

Northernmost boundary:	NW 25th Street
Easternmost boundary:	NW 107th Avenue from NW 25th Street to State Road 836 and NW 110th Avenue from State Road 836 to Flagler Street
Southernmost boundary:	Flagler Street
Westernmost boundary:	Homestead Extension of the Florida Turnpike

YES ☐

NO ☐

Section 8. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote "NO".

Section 9. This special election shall be held and conducted in accordance with the County Code and other applicable provisions of the general laws relating to special elections and mail ballot elections. The County Mayor or the County Mayor's designee, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution.

Section 10. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, and in accordance with the provisions of Section 3.07 of the Home Rule Charter.

Section 11. This resolution shall not be effective unless and until there has been compliance with the provisions of Sections 2, 3, 5 and 8 (b) of Ordinance No. _____.

The Prime Sponsor of the foregoing resolution is the Board of County Commissioners. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of October, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Craig H. Coller