MEMORANDUM

Agenda Item No. 5(G)

(Public Hearing 9-21-10)

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

DATE: July 20, 2010

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

SUBJECT: Ordinance creating and establishing a special taxing district in Miami-Dade County known and described as Hibiscus Island Overhead Services Relocation Improvement special taxing districts in accordance with the provisions of Chapter 18

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

(Public Hearing 9-21-10)

Memorandum

MIAMI-DADE COUNTY

Date: July 20, 2010

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

From: George M. Burgess
County Manager

Subject: Hibiscus Island Overhead Services Relocation Improvement Special Taxing District

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District.

Scope

This proposed special taxing district lies within Miami-Dade County Commission District Five (5) and the City of Miami Beach and will provide for the relocation of electrical, telephone and cable television services from overhead to buried conduit.

Fiscal Impact/Funding Source

The creation of this District is at the request of the proposed district property owners in accordance with Chapter 18 of the Miami-Dade County Code. The economic impact on the County's budget will be from the advancement of funds by several County Departments and the provision of approximately $3.813 million from the proceeds of County bond sales.

Advancement of funds will result from various Departments' expenditure of labor and materials necessary to engineer and administer the district. All district costs incurred will be reimbursed to each Department after the Board's adoption of the preliminary assessment roll, ratification of the district by the qualified electorate within the district limits, and collection of assessments from the affected property owners on their November 2010 and subsequent annual combined Real Property tax bills.

The economic impact on the private sector will be a special assessment levied for this improvement. Assessment at the property owners' option may be paid in full or financed over a fifteen (15) year period with the installments itemized on the annual combined Real Property tax bill.

At this time there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to install the capital improvements to be provided by this special taxing district.

Background

Boundaries:	All properties on Hibiscus Island, Miami Beach, Florida
Number of Parcels:	182
Number of Lots or Parcels Assessed as 1 Unit	181
Number of Resident Owners:	104
Number of Owners With Homestead Exemption Signing Petition:	63 or 60.6% of the resident property owners.
Preliminary Public Meeting:	To be held in August 2010.
Type of Improvements:	The underground burial of existing overhead electrical, telephone, and cable television services in accordance with the minimum standards and requirements set forth by the Florida Power and Light Company, AT&T, Atlantic Broadband Cable, and the City of Miami Beach.
Required Referendum:	Every qualified registered voter residing within the District limits will be afforded the opportunity to vote at an election conducted by mail, to be held in December 2010.
Preliminary Assessment Roll:	Submitted on the same agenda is a separate agenda item for consideration and adoption by the BCC and contingent upon the approval of this District's creation ordinance and subsequent ratifying referendum. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
Estimated Completion:	September 2011.
Estimated Initial Billing:	November 2010. Installment option billed annually for fifteen (15) years as an itemized portion of the annual tax bill with the first installment placed on the November 2010 tax bill.

	First Year
Estimated Total District Cost:	$3,812,249.11
Method Of Apportionment:	Unit
Estimated Assessment	
Cost Per Assessable Unit:	$21,062.15

The assessment shown above is representative of costs for property within this district.

State or Federal grants are not applicable to this special taxing district.

Each special taxing district is unique due to its geographical boundaries, affected property owners and level of services to be provided, and only a new ordinance will satisfy the requirements of Chapter 18 of the Code.

In accordance with the requirements of Section 18-3 of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this District be created, if approved by the referendum required subsequent to this public hearing.

Assistant County Manager

REPORT AND RECOMMENDATIONS
ON THE CREATION OF HIBISCUS ISLAND OVERHEAD
SERVICES RELOCATION IMPROVEMENT
SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works Department Director concerning the creation of Hibiscus Island Overhead Services Relocation Improvement Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed District is located entirely within the municipal limits of the City of Miami Beach. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of Miami Beach to create this special taxing district per Resolution No. 2009-27065, a copy of which is attached and the boundaries, as set forth in the petition and recommend herein are as follows:

All properties on Hibiscus Island, Miami Beach, Florida.

The boundaries are shown on the attached plan entitled Hibiscus Island Overhead Services Relocation Improvement Special Taxing District and hereinafter referred to as Exhibit A.

A preliminary community meeting will be held in August 2010, at Palm Island Park, to present the facts pertaining to the boundaries, a description of the improvement to be provided, its costs, and the method of payment.

2. DESCRIPTION AND LOCATION OF THE SERVICE TO BE PROVIDED

Improvements will consist of the relocation from overhead to underground burial of the primary and secondary electrical distribution system along with telephone and cable television service lines, in accordance with the minimum standards and requirements set forth by the City of Miami Beach, Florida Power and Light Company, AT&T, and Atlantic Broadband Cable. Relocation will commence at the earliest practicable time, following the creation and establishment of the District by the Miami-Dade County Board of County Commissioners.

3. ESTIMATED COST FOR THIS SERVICE

The request made by the petitioners is for the electrical services to be relocated underground as indicated in Section 2 above, and the costs for this improvement along with relocation underground of

telephone and cable television services in accordance with a cost estimate developed by the City of Miami Beach Capital Improvement Projects Office, indicates that the relocation will cost $1,834,581.00. In addition to the construction cost an estimated $20,000 must be added to cover the costs of administration and engineering by the Miami-Dade County Public Works Department. Also, it will be necessary for the County to charge the District a fee for advertising, conducting an election, handling the billing, and collecting the assessments. This cost is estimated to be $10,377. Additionally, contingency funds including discount in the amount of $368,031 are provided. Bond costs including interest of $1,579,260 are included; therefore, the total District cost is estimated to be $3,812,249. These costs are to be paid for by special assessment levied against benefited properties and are to be apportioned to individual properties within the boundaries of the District on a unit basis. The cost per unit to be assessed for these services is estimated as follows:

ASSESSABLE UNITS

Total Number of Lots or Parcels Assessed as 1 Unit	181

ESTIMATED COSTS

Construction Costs	$1,834,581
Engineering & Administration Costs	20,000
Advertising, Printing, Mailing Election and Collection Costs	10,377
Bond Including Interest Costs	1,579,260
Contingency Costs Including Discount	368,031
Estimated Total District Cost	$3,812,249

SAMPLE ASSESSMENTS

Total Cost to District	$3,812,249
Cost Per Assessable Lot or Parcel Assessed As 1 Unit	$21,062

The assessment shown above is representative of costs for typical lots or parcels within the District.

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need to relocate overhead electrical and other utilities and services is apparent since residents of Miami-Dade County have demonstrated their desire to do so through several petitions and personal requests.

The 2009 net property valuation within the district, as taken from the Miami-Dade County Real Estate Property Cards, is $248,979,801, which is a good indication that the affected property is able to pay such assessments as may be required and, in my opinion, the proposed improvements will provide special benefits to property within the District exceeding the amount of special assessments to be levied.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

As was determined in Item 3 above, each property owner will pay the County, through a special assessment, a proportionate share of the total cost. Property owners may choose to pay off their entire capital special assessment in response to their notice of improvement lien within thirty (30) days of the notice's issuance, without interest. Assessments may also be financed through Miami-Dade County over a fifteen (15) year period with interest at one percent (1%) over the County's borrowing rate but no less than seven and a half percent (7½ %), with the installments appearing as an itemized portion of the combined Real Property tax bill for a period of fifteen (15) years. In addition to the above assessment, each property owner will be responsible for the costs to bury underground the electrical, cable television wires from the property line to the served building structure.

7. RECOMMENDATION

It is my recommendation that the creation, financing, and implementation of the District be authorized by an ordinance adopted by the Board of County Commissioners, subject to ratification by the District's electorate at a special referendum to be called by the Board. It is also recommended that upon adoption of the ordinance creating this special taxing district, the Board adopt, as the next agenda item, a

resolution calling for a special election, as required by Chapter 18 of the Code. Said election will be conducted by the Miami-Dade County Elections Department using a mailed ballot provided, along with a summary report, to each district registered voter. It is further recommended that the Board also adopt the district's preliminary assessment roll resolution. Adoption of this resolution will enable the Miami-Dade County Tax Collector to bill the affected property owners, collection of which will provide the necessary funds to furnish and install the improvements to be provided by the district. The implementation of the assessment roll will follow the procedures defined in Chapter 18 of the Code and be subject to district ratification by the qualified electorate. If approved by the electorate, and if property owners elect to finance the assessment, the installments will appear on the November 2010 and subsequent tax bills until paid in full. In the event actual construction costs are lower than the costs estimated, any excess monies will be refunded proportioned on a unit basis to individual properties within the boundaries of the District. Should actual costs be higher than the ordinance cost estimate, the County Manager may, at his discretion, cause to be prepared a revised preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt it. The ordinance shall take effect when ratified at an election to be formally called, noticed, and conducted as this Board shall determine by resolution, unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by Board and the District approved at a subsequent election. My office will also be available to answer any questions from the public or from your office with regards to the financial and/or engineering facts of this district. We further recommend that the County Manager forward the attached report to the Board of County Commissioners after he has reviewed it and concurred with our findings.

Attachments:
(1) Copy of Validation Memo and Petition Sample to the Clerk of the Board
(2) Copy of Resolution from the City of Miami Beach
(3) Copy of City Miami Beach Cost Estimate
(4) Copy of Memo from Department of Planning and Zoning
(5) District Boundary Map (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: April 26, 2010

To: Diane Collins
Acting Division Chief
Office of the Clerk of the Board
Attn: Felecia Hurst

From: Donald R. Toek, Jr.
Chief, Special Taxing Districts Division
Public Works Department

Subject: Hibiscus Island Overhead Services Relocation Improvement Special Taxing District

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In reference to the subject petition, we hereby certify that, in compliance with Chapter 18 of the Miami-Dade County Code, this Department has checked the names in the attached petition against the records of the Property Appraisal Department, and is submitting the following information:

1.	Total number of parcels of land within district boundaries	182
2.	Total number of resident owners of property within district boundaries	104
3.	Total number of resident owners signing the attached petition	63
4.	Percentage of resident owners signing the attached petition	60.6%
5.	Net Property Valuation	$248,979,801.00

Utilizing Homestead Exemption as the basis for the resident owner requirement, we certify that this petition does contain the signatures of 50% of the resident property owners within the proposed District boundaries as required by the Code; therefore, the subject petition is valid.

Attachment

(1)

HIBISCUS ISLAND
OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICTS DIVISION

RECEIVED
PUBLIC WORKS DEPT
2010 APR -9 AM 10: 24
SPECIAL TAXING
DISTRICTS DIVISION

To be Completed by the Department: Petition Issue Date: 10/ 13/ 2009 Petition Received Date: / / /

To the Petitioner: You are required to circulate this petition among all property owners within the district boundaries listed below. In order fo the petition to be considered a valid current indicator of community preference it must be completed and returned within four months from th date of issue. All submitted petition forms must be original and completed in ink.

To the Board of County Commissioners of Miami-Dade County, Florida: We, the undersigned property owners, do hereby petition Miam Dade County, Florida, for the creation and establishment of the Hibiscus Island Overhead Services Relocation Improvement Special Taxin District. We understand that the signatures of 50% of the resident property owners within the district's boundary signing the petition will validat the petition. If approved by the Board, a subsequent Special Election will be held for all registered voters in the district boundary to ratify th Board's decision.

Proposed Public Improvement or Services: The proposed district will replace existing overhead utility services with undergrounded electrica cable television and telephone services within the public rights-of-way. It is understood and agreed that the final district boundaries, operatio and administration of the district will be determined by the Miami-Dade County Public Works Department.

Proposed Boundaries: All properties on Hibiscus Island, Miami Beach, Florida.
(See district boundary and location sketch, Exhibit A, on reverse side)

THE INDIVIDUAL PROPERTY ONE TIME LUMP SUM PAYMENT FOR THIS IMPROVEMENT IS ESTIMATED TO BI $14,800. IF NOT PAID, THIS COST CAN BE FINANCED THROUGH YOUR PROPERTY TAX BILL OVER A FIFTEEN (15 YEAR PERIOD AT NOT LESS THAN 1% ABOVE THE COUNTY'S BORROWING RATE BUT NOT LESS THAN 7 1/2% PEI ANNUM. ADDITIONALLY, SOME PROPERTY OWNERS MAY INCURR EXPENSES AT THE DWELLING ASSOCIATEI WITH LABOR AND MATERIALS NECESSARY TO TRENCH PRIVATE PROPERTY, CONNECT YOUR METER BOX TO THI ELECTRICAL SERVICE, CONNECT OTHER UNDERGROUNDED UTILITIES, COSTS ASSOCIATED WITH UPGRADIN(UTILITY CONNECTIONS AND INTERNAL WIRING TO CURRENT STANDARDS, AND ROOF REPAIR DUE TO REMOVAI OF OVERHEAD SERVICE CONNECTIONS. THESE COSTS ARE SPECIFICALLY NOT INCLUDED IN THE ABOVI ESTIMATED COSTS AND SHALL BE BORNE BY THE HOMEOWNER.

NOTE: Only one resident owner's signature per household will count toward the 50% Code requirement for petition validation. Howev circulation of petition among all properties in the proposed District is urged to ensure these persons are informed of the proposal on which th may be called to vote. **Altering this form in any way invalidates the entire petition.**

OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: Michael Rosen	Address: 325 N Hibiscus dr	10/31/09
Sign: M.R	Folio: 02-3232-006-0400	
Print: MASK Partners	Address: 101 N Hibiscus dr	10/31/09
Sign: on behalf of MASK	Folio: 02-3232-006-0550	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

(2)

HIBISCUS ISLAND
OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICTS DIVISION

RECEIVED
PUBLIC WORKS DEPT
2010 APR -9 AM 10:24
SPECIAL TAXING DISTRICTS DIVISION

To be Completed by the Department: Petition Issue Date: 10/9/2009 Petition Received Date: / / /

To the Petitioner: You are required to circulate this petition among all property owners within the district boundaries listed below. In order for the petition to be considered a valid current indicator of community preference it must be completed and returned within four months from the date of issue. All submitted petition forms must be original and completed in ink.

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OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: Stephanie Michaud Rose	Address: 101 N Hibiscus dr	3/16/10
Sign: for MASK Partners	Folio: 02-3232-006-0555	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

2

(3)

HIBISCUS ISLAND
OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICTS DIVISION

RECEIVED
2010 APR -9 AM 10:24
PUBLIC WORKS DEPT.
SPECIAL TAXING DISTRICTS DIVISION

To be Completed by the Department: Petition Issue Date: 2009 Petition Received Date: / / /

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OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: Fatima Jebai	Address: 200 N. Hibiscus Dr. Miami Beach FL	3/16/10
Sign: Fatima Jebai	Folio: 02-3232-005-0260	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

HIBISCUS ISLAND

OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICTS DIVISION

(4)

PUBLIC WORKS DEPT

2010 APR 9 AM 10:35

SPECIAL TAXING DISTRICTS DIVISION

To be Completed by the Department: Petition Issue Date: 1/9/2009 Petition Received Date: / / /

To the Petitioner: You are required to circulate this petition among all property owners within the district boundaries listed below. In order for the petition to be considered a valid current indicator of community preference it must be completed and returned within four months from the date of issue. All submitted petition forms must be original and completed in ink.

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OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: YALA SAMOJE	Address: 235 N. HIBISCUS DRIVE	1/23/10
Sign:	Folio: 02-3232-006-0470	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

HB Underground Project. (5)

HIBISCUS ISLAND
OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICTS DIVISION

RECEIVED PUBLIC WORKS DEPT 2010 APR 09 AM 10:35 SPECIAL TAXING DISTRICTS DIVISION

To be Completed by the Department: Petition Issue Date: 10/ 13/ 2009 Petition Received Date: / / /

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To the Board of County Commissioners of Miami-Dade County, Florida: We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation and establishment of the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District. We understand that the signatures of 50% of the resident property owners within the district's boundary signing the petition will validate the petition. If approved by the Board, a subsequent Special Election will be held for all registered voters in the district boundary to ratify the Board's decision.

Proposed Public Improvement or Services: The proposed district will replace existing overhead utility services with undergrounded electrical, cable television and telephone services within the public rights-of-way. It is understood and agreed that the final district boundaries, operation and administration of the district will be determined by the Miami-Dade County Public Works Department.

Proposed Boundaries: All properties on Hibiscus Island, Miami Beach, Florida.
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OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: Michael J. Mora	Address: 280 N. Hibiscus DR.	2/1/10
Sign: [signature]	Folio: 02-3232-005-0390	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

14

5

RESOLUTION NO. 2009-27065

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENDORSING, AS REQUIRED PURSUANT TO SECTION 18-2 OF THE MIAMI-DADE COUNTY CODE, THE CREATION BY MIAMI-DADE COUNTY OF SPECIAL TAXING DISTRICTS FOR PALM ISLAND AND HIBISCUS ISLAND, RESPECTIVELY, FOR THE UNDERGROUNDING OF OVERHEAD UTILITIES, SUBJECT TO AND CONTINGENT UPON COMPLIANCE WITH AND SATISFACTION OF THE REQUIREMENTS FOR THE CREATION OF SPECIAL TAXING DISTRICTS, AS SET FORTH IN CHAPTER 18 OF THE MIAMI-DADE COUNTY CODE.

WHEREAS, the Palm-Hibiscus-Star Islands Association has approached Miami-Dade County about the establishment of Special Taxing Districts for Palm Island and Hibiscus Island, respectively, to fund the undergrounding of overhead utilities, such districts to be established in accordance with Chapter 18 of the Miami-Dade County Code; and

WHEREAS, the nature of the improvements generally includes removing FPL electric, AT&T telephone, and Atlantic Broadband cable TV utility lines from overhead poles and placing them in underground conduits; and

WHEREAS, the improvements require removing landscape encroachments and existing poles, digging trenches, installing conduits, backfilling trenches, replacing curb and sod, patching roadways, installing transformers mounted on concrete pads, protecting the transformers, and installing acorn lights to replace pole mounted lights; and

WHEREAS, this work will improve the public rights-of-way on the portion of Palm Island west of Fountain Street and the public rights-of-way on Hibiscus Island; and

WHEREAS, the City will pay a portion of the lighting costs, totaling $25,000 on Palm Island and $70,000 on Hibiscus Island (since this work was an improvement detailed in the Star, Palm, and Hibiscus Island Neighborhood Improvements Basis of Design Report and funded in the Star, Palm, and Hibiscus Island Neighborhood Improvements Project Capital Plan); and

WHEREAS, the proposed Special Taxing Districts will pay the remaining costs; and

WHEREAS, the boundaries of the special taxing districts are, on Palm Island, west of Fountain Street, and on the entirety of Hibiscus Island; and

WHEREAS, the estimated combined hard and soft costs of the improvements total $1,819,375 for Palm Island, and $2,483,527 for Hibiscus Island; and

WHEREAS, as one of the conditions for the establishment of the proposed Special Taxing Districts, Section 18-2 of the Miami-Dade County Code requires that where (as in this case) the proposed area of the County special taxing district is within a municipality, then the approval of the governing body of that municipality must be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby endorse, as required pursuant to Section 18-2 of the Miami-Dade County Code, the creation by Miami-Dade County of Special Taxing Districts for Palm Island and Hibiscus Island, respectively, for the undergrounding of overhead utilities, subject to and contingent upon compliance with and satisfaction of the requirements for the creation of special taxing districts, as set forth in Chapter 18 of the Miami-Dade County Code.

PASSED AND ADOPTED this 13th **day of** May **, 2009.**

ATTEST:

ROBERT A. PARCHER, CITY CLERK

MATTI HERRERA BOWER, MAYOR

T:\AGENDA\2009\May 13\Consent\Palm and Hibiscus Special Taxing Districts Reso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5/7/09
Date

Tock, Don (PWD)

Subject: FW: PHS Petition & Homeowners Association Meeting -- October 13

From: Carmenates, Aurelio [mailto:AurelioCarmenates@miamibeachfl.gov]
Sent: Thursday, July 15, 2010 5:15 PM
To: Hans Mueller; Brad Meltzer; Ian Kaplan; Neil Fairman; Tim Rose
Cc: Carreno, Charles; Reyes, Matilde; Donoso, Gabriel
Subject: RE: PHS Petition & Homeowners Association Meeting -- October 13

Gentleman,

Mr. Don Tock is requesting below the removal of the street light costs from the estimate prepared for the Special Taxing request. It is critical to note that the lighting component is critical to the project as once the existing FPL wood poles are removed the neighborhood will be without lighting. Also keep in mind the City does not currently have funding for this work. I have made the changes as requested below. Let me know once it is approve and can be submitted to Mr. Tock.

Thanks,

Rev date: 07/01/2010

	Palm Island	Hibiscus Island	Both Islands
[redacted]			
Inspection and Testing Services for 10 months	$47,525	$71,287	$118,812
CIP Management Fee	$22,786	$33,168	$55,954
[redacted]			
AT&T Underground Cost Estimate	$113,485	$164,131	$277,616
ABE Underground Cost Estimate	$68,300	$142,039	$210,339
City Survey required by FPL	$12,500	$12,500	$25,000
Financial Consultant	$9,863	$9,863	$19,726

Utility Deposits, Legal and Survey Fees	$24,000	$36,000	$60,000
Estimated Total Cost	$1,116,285	$1,803,513	$2,919,797

MIAMI**BEACH**

Aurelio J. Carmenates, PE, *Capital Projects Coordinator* CAPITAL IMPROVEMENT PROJECTS OFFICE
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7071 / Fax: 305-673-7073 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

Date: June 19, 2009

To: Esther Calas, P.E., Director
Public Works Department

From: Marc LaFerrier, AICP, Director
Department of Planning and Zoning

Subject: Palm and Hibiscus Islands Electrical Services Relocation Improvement Special Taxing District

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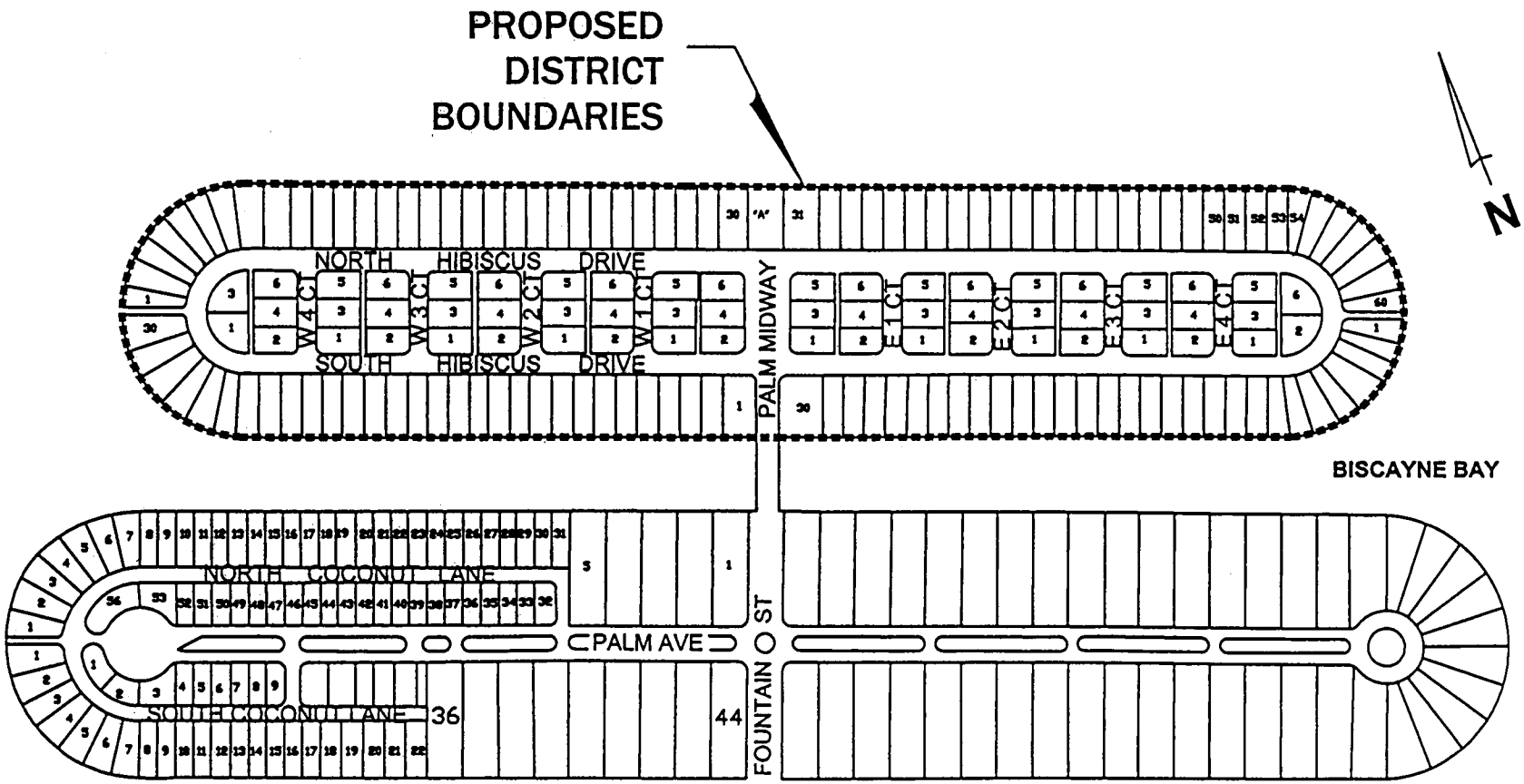
This is in response to your memorandum dated June 17, 2009, requesting this Department's determination that the proposed Palm and Hibiscus Islands Electrical Services Relocation Improvement Special Taxing District conforms or conflicts with the Miami-Dade County Comprehensive Development Master Plan (CDMP).

According to the information provided, the Palm, Hibiscus, and Star Islands Association Inc. is requesting the creation of an Electrical Services Relocation Improvement Special Taxing District for Hibiscus Island and approximately the west half of Palm Island, within the City of Miami Beach. The proposed district would facilitate relocating the existing overhead utility lines/cables of the Florida Power and Light Company (FPL), AT&T, and Atlantic Broadband to underground trenches within the public road rights-of-way. The existing utility poles would then be removed where possible. The residents within the district would be individually responsible for connecting their homes to the buried/underground utilities, including all associated costs.

Staff has reviewed the request for establishing the subject special taxing district and finds that there is no conflict with the CDMP. Therefore, the Department has no objection to the creation of the special taxing district.

Thank you for the opportunity to comment on this request. Should you or any member of your staff have any questions regarding this information, please feel free to call Mr. Mark R. Woerner, Chief, Metropolitan Planning Section, at ext. 8768.

MCLF:SB:MRW:PHC:gr



HIBISCUS ISLAND

OVERHEAD SERVICES RELOCATION IMPROVEMENT
SPECIAL TAXING DISTRICT

R - 40 (COMM. 0005)
SECTION: 5 - 54 - 32 & 32 - 53 - 42

EXHIBIT "A"

MEMORANDUM

(Revised)

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

DATE: September 21, 2010

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

SUBJECT: Agenda Item No. 5(G)

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. 5(G)
9-21-10

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including the underground burial of existing overhead utility services, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT duly signed by more than 50% of the resident owners of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing for the underground burial of existing overhead utility services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the utility undergrounding improvement project to be provided within the proposed district, an estimate of the cost of constructing such project, certifying that the proposed project and proposed district conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested project, the ability of the affected property to bear special assessments for financing the cost of such project, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, an estimate of the amount to be assessed against each unit of benefited property within the proposed district, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries and location of the proposed district. Such report and recommendations of the County Manager was filed with the Clerk, transmitted to the Chairman, and a copy is attached hereto as Exhibit A and is incorporated herein by this reference; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the project petitioned for would be of special benefit to all property within the proposed district and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the property owners and the report and recommendations of the County Manager -- said hearing was held on Thursday, . Copies of said public notice were duly published in newspapers of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County real property tax roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Thursday, , held a public hearing in accordance with the provisions of said Clerk's certificate, at which public hearing all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district located entirely within the city limits of the incorporated municipality of the City of Miami Beach, known and designated as the HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT is hereby created and established.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

All properties on Hibiscus Island, Miami Beach, Florida.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The improvements to be provided within this proposed special taxing district will consist of the following:

The relocation from existing overhead to underground burial of the primary and secondary electrical distribution system along with telephone and cable television service lines.

Section 4. The estimated cost to the property owners for the construction and installation of the underground burial of existing overhead utility services is $1,834,581.00. In addition to these costs must be added engineering, administrative, financing, and other costs for an estimated total district cost equal to $3,812,249.11. The County will advance funds for the construction of this project, which sum shall be reimbursed by special assessments. It is anticipated that the County shall issue bonds in an approximate aggregate amount equal to $2,637,989.47 to finance the cost of such improvements. Said bonds shall not be a general obligation of the County, but shall be payable solely out of said assessments, installments, interest, penalties and any other revenues legally available for such purpose. An ordinance authorizing the issuance of these bonds and setting forth the terms and conditions thereof will be brought to the Board at a later date for its consideration and approval. It is estimated that the cost per assessable unit of real property within the proposed district is $21,062.15.

Section 5. It is hereby declared that said project will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Mayor or the Mayor's designee is hereby authorized and directed to take all necessary step to enter into an Interlocal Cooperation Agreement with the City of Miami Beach, wherein it will be provided that the City of Miami Beach will assume full responsibility for the construction and installation of the underground burial of existing overhead utility services.

Section 7. The County Mayor or the Mayor's designee is authorized and directed to cause the construction and installation of said utility undergrounding improvement project to be accomplished within the district in accordance with the provisions of this Ordinance and said Interlocal Agreement.

Section 8. The County Mayor or the Mayor's designee is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. The Finance Director shall mail a bill for the total amount of the special assessment to each property owner within the proposed district, which may be paid within thirty days without interest. Thereafter, as authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are not paid, when due, the potential for loss of title to the property exists. In the event the assessment roll for the first year (2010-11) is delivered after the tax bills have been mailed, the Tax Collector will mail a supplemental bill to include the special assessment herein authorized. In each of the subsequent fourteen years the special assessment authorized herein and which has not been paid in full will be collected on the annual tax bill.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall

determine by Resolution, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and an approval by a majority of those voting at the election referred to herein.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

James K. Kracht

Prime Sponsor: Commissioner Bruno A. Barreiro