MEMORANDUM

Agenda Item No. 5(F)(2)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 21, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution adopting preliminary assessment roll providing for annual assessments against real property located within boundaries of a special taxing district known as Palm Island Overhead Services Relocation Improvement Special Taxing District

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

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(F)(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. 5(F)(2)
9-21-10

RESOLUTION NO. _____

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS PALM ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO.

WHEREAS, pursuant to petition, notice and public hearing, the Board of County Commissioners by Ordinance No. , adopted on September 10, 2010, created and established a special taxing district in Miami-Dade County, Florida, known and designated as the PALM ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, enacted under and pursuant to the provisions of Section 1.01(A) (11) of the Home Rule Charter of Miami-Dade County, Florida; and

WHEREAS, upon the district being approved on December 7, 2010, by a majority vote of qualified electors residing within the district, the underground burial of existing overhead electrical, telephone and cable television wires in the special taxing district will be provided and put into operation; and

WHEREAS, pursuant to Ordinance No. , the Board of County Commissioners determined that special assessments in this special taxing district for the underground burial of existing overhead electrical, telephone and cable television wires should be levied on a unit basis; and

WHEREAS, pursuant to Ordinance No. , and Section 18-14(4) of the Code of Miami-Dade County, Florida, the County Manager caused a preliminary assessment

roll to be prepared and filed with the Clerk of the County Commission and pursuant to notice published, posted and mailed to all property owners within the special taxing district, the County Commission held a public hearing on this date upon the preliminary assessment roll submitted by the County Manager, and all interested persons were afforded the opportunity to present their objections, if any, with respect to their assessments on such assessment roll; and

WHEREAS, after due consideration, the County Commission found and determined that the assessments shown on the preliminary assessment roll were generally in direct proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment roll; and

WHEREAS, each property owner was notified that the special assessments, when finally approved and confirmed pursuant to Section 18-14(6) of the Code of Miami-Dade County, Florida, will be placed on the November 2010 and subsequent real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title,

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

Section 1. That the said preliminary assessment roll (a copy of which is made a part hereof by reference) is approved, adopted and confirmed pursuant to Section 18-14(6) of the Code of Miami-County, Florida.

Section 2. If this special taxing district is approved by the election held pursuant to Resolution No. R- , the Clerk of the Board of County Commissioners is directed to deliver to the Finance Director, on or before October 8, 2010, a copy of the assessment roll, and to cause a duly certified copy of this resolution, together with the assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 3. All assessments made upon said assessment roll shall constitute a special assessment lien upon the real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of Section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 4. Any assessment may be paid within thirty (30) days after the date of recordation and notice of the assessment roll, without interest. Thereafter all assessments shall be payable in equal annual installments through the annual combined Real Property tax bill, with interest at one percent (1%) over the county borrowing rate but not less than seven and a half (7-1/2%) from the expiration of said thirty (30) days in each of the succeeding fifteen (15) calendar years in accordance with Section 18-14(7) of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of Ordinance No. , and this Resolution, 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. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and/or Section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 5. Implementation of this resolution pertaining to the said assessment roll shall take effect following ratification of the district through a special election as called for by Resolution No. R- on December 7, 2010.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. 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
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 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.

James K. Kracht