MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: November 20, 2012

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

SUBJECT: Agenda Item No. 5(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. 5(A)(2)
11-20-12

RESOLUTION NO. _____

RESOLUTION ADOPTING REVISED PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS COVENTRY STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND ORDINANCE NO. 90-53 AS AMENDED

WHEREAS, pursuant to petition, notice and public hearing, the Board of County Commissioners by Ordinance No. 90-53, adopted on June 5, 1990, created and established a special taxing district in Miami-Dade County, Florida, known and designated as the COVENTRY STREET LIGHTING 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, the District was approved on July 17, 1990, by a majority vote of qualified electors residing within the District and the streetlights in the special taxing district have been installed and put into operation; and

WHEREAS, pursuant to Ordinance No. 90-53, the Board of County Commissioners determined that special assessments in this special taxing district for furnishing street lighting facilities and services should be levied on a per front footage basis in accordance with Ordinance No. 90-53; and

WHEREAS, pursuant to Ordinance No. amending Ordinance No. 90-53, and Section 18-14(4) of the Code of Miami-Dade County, Florida, the County Mayor or County Mayor's designee caused a revised preliminary assessment roll reflecting the increased costs associated with upgrading 22 streetlights to 16,000 LSV lamps to be prepared and filed with the Clerk of the Board 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 November 20 , 2012, upon the revised preliminary assessment roll submitted by the County Mayor or County Mayor's designee, and all interested persons were afforded the opportunity to present their objections, if any, in respect to their assessments on such assessment roll; and

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

WHEREAS, each property owner was notified that the revised 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 2013 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, that:

Section 1. The provisions of this Resolution shall take effect only if Ordinance No. takes effect following approval by a majority vote of qualified electors residing within the District boundaries.

Section 2. That the said revised preliminary assessment roll (a copy of which is made a part hereof by reference) is approved, adopted and confirmed pursuant to the provisions of Ordinance No. 90-53, and Ordinance No. and Section 18-14(6) of the Code of Miami-Dade County, Florida.

Section 3. The Clerk of the Board of County Commissioners is directed to deliver to the Finance Director, on or before January 15, 2013, a copy of the said revised assessment roll, and to cause a duly certified copy of this resolution, together with the said revised assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 4. All assessments made upon said revised 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 5. All assessments shall be payable 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. 90-53, 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.

The foregoing 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 2012. 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.

Jorge Martinez-Esteve