# MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 4-2-13)

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** January 23, 2013

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

**SUBJECT:** Ordinance changing the boundaries of the City of North Miami, Florida, and amending the Charter of such municipality

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

# Memorandum

MIAMI-DADE COUNTY

**Date:** April 2, 2013

**To:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez
Mayor

**Subject:** Ordinance Changing the Boundaries of the City of North Miami, Florida, and Amending the Charter of Such Municipality

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The proposed ordinance changes the boundaries of the City of North Miami and provides for the annexation of certain lands, the reservation to the County of electric franchise and utility tax revenues, and provides retention of garbage and refusal of collection and disposal. If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County would retain all franchise fees and utility tax revenues of the area. For the proposed annexation, an estimated $16,858 of franchise fees and $33,916 of utility taxes will be retained by the County.

As part of UMSA, the area generates approximately $87,600 in revenues (excluding franchise fees and utility taxes). Approximately $213,850 of budgeted expense may be attributed to that area. As part of the budget development process, a determination will be made as to whether resources will be allocated to the remainder of UMSA or reduced as possible. Should the annexation be approved, the UMSA budget will have approximately $87,600 less in revenue to provide services to the remaining UMSA area if the level of service remains the same.

Edward Marquez
Deputy Mayor

Fis3713

# MEMORANDUM
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** April 2, 2013

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

**SUBJECT:** Agenda Item No. 7(E)

**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 Mayor'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. 7(E)
4-2-13

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, 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; 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 North Miami are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of North Miami of the following property:

**Annexation by the City of North Miami**

**Legal Description**

**A portion of Miami-Dade County, Florida, lying South of NE 135 Street, North of NE 131 Street, East of the Biscayne Canal and West of NE 4 Avenue more particularly described as the NW 1/4, of the NW 1/4, of Section 30, Township 52 South, Range 42 East.**

encompassing an area described by Resolution No. R-2011-150, passed and adopted by the Council of the City of North Miami, 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 This Ordinance shall be effective only if the City of North Miami 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 fiscal year 2028-2029 or as provided in the interlocal agreement.

Section 5. 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 6. 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 7. 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

Craig H. Coller

Prime Sponsor: Board of County Commissioners

**RESOLUTION NO. R-2011-150**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING SUBMITTAL OF APPLICATION TO MIAMI-DADE COUNTY TO ANNEX INTO THE CITY AN AREA BORDERED ON THE WEST SIDE BY THE BISCAYNE CANAL, ON THE EAST SIDE BY N.E. 4TH AVENUE, ON THE SOUTH SIDE BY N.E. 131ST STREET AND ON THE NORTH SIDE BY N.E. 135TH STREET (ALSO KNOWN AS AREA 3); PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, policy 8.1.7 of the City's Comprehensive Plan encourages the City to actively pursue development and growth management opportunities through several mechanisms including but not limited to exploring annexations where necessary; and

**WHEREAS**, the City Council desires to annex the subject properties bordered on the west side by the Biscayne Canal, on the east side by N.E. 4th Avenue, on the south side by N.E. 131st Street and on the north side by N.E. 135th Street (also known as Area 3); and

**WHEREAS**, at a regularly scheduled City Council meeting held on October 11, 2011, City Administration was directed to file a formal annexation application with the County Clerk pursuant to the requirements of Section 20-3 of the Miami-Dade County Code; and

**WHEREAS**, Section 1-106(b)(3) of the City's Land Development Regulations (LDRs) requires that all annexed lands shall automatically be zoned R-1 and within 30 days be reviewed by the City for designation of appropriate zoning consistent with the requirements of Article 3, Division 10 of the City's LDRs; and

**WHEREAS**, the Mayor and Council find that the proposed annexation is in the best interests of the City and satisfies the goals, objectives and policies of the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:**

**Section 1.** **Authorization to City Administration.** The Mayor and City Council of the City of North Miami, Florida, hereby direct City Administration to satisfy all necessary

requirements to file a formal annexation application with the Miami-Dade County Clerk to annex into the City an area bordered on the west side by the Biscayne Canal, on the east side by N.E. 4th Avenue, on the south side by N.E. 131st Street and on the north side by N.E. 135th Street known as Area 3.

**Section 2.** **Land Use and Zoning of Annexed Lands.** Upon approval by the Miami-Dade Board of County Commissioners the initial zoning of the annexed lands in Area 3 shall be a designation of R-1 as required by Section 1-106(b)(3) of the City's LDRs with an underlying land use of Single Family residential.

**Section 3.** **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 22 day of November, 2011.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

V. LYNN WHITFIELD
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Councilman Marcellus

**Vote:**

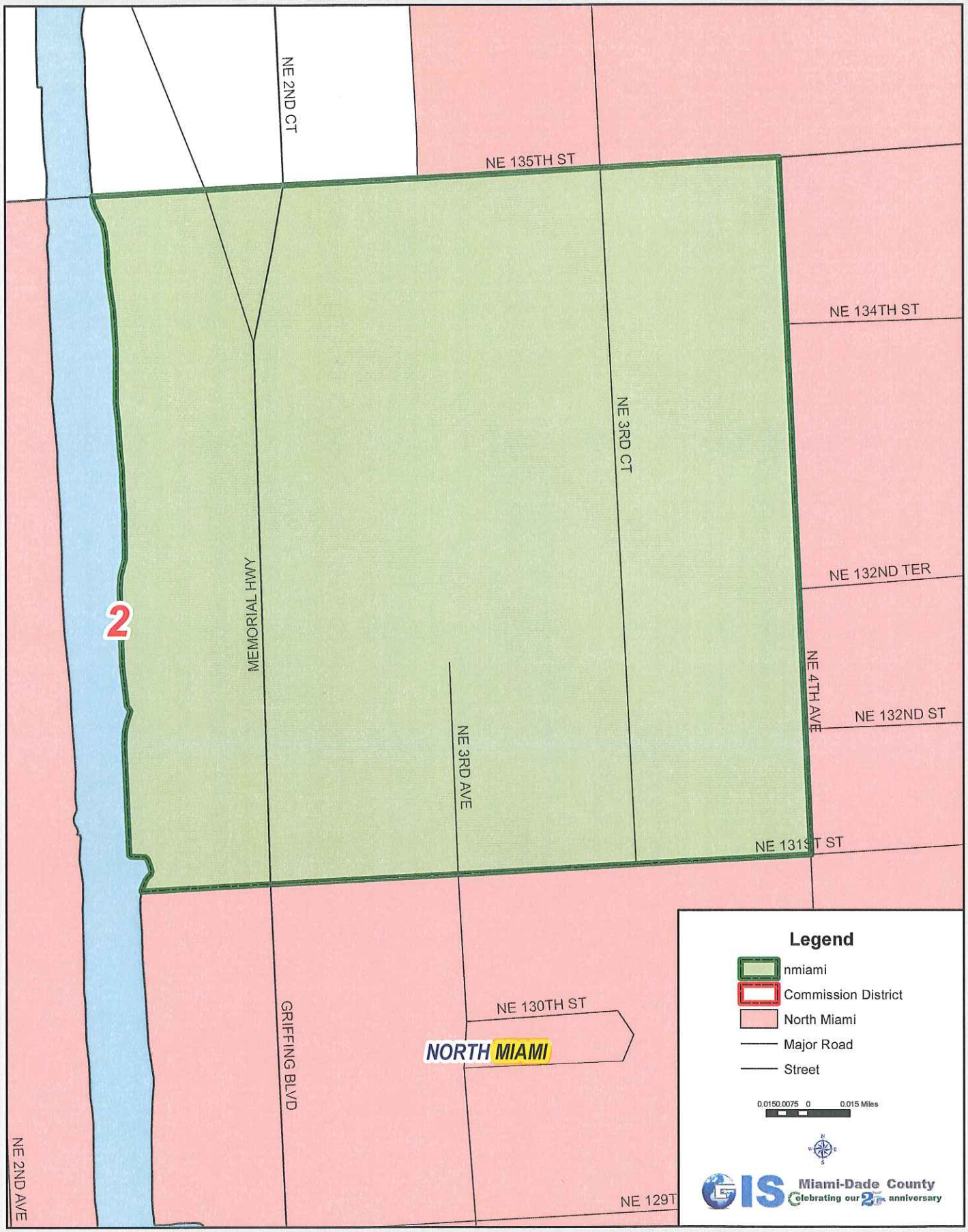
| | | |
|---|---|---|
| Mayor Andre D. Pierre, Esq. | X (Yes) | ___ (No) |
| Vice Mayor Marie Erlande Steril | X (Yes) | ___ (No) |
| Councilperson Michael R. Blynn, Esq. | X (Yes) | ___ (No) |
| Councilperson Scott Galvin | X (Yes) | ___ (No) |
| Councilperson Jean R. Marcellus | X (Yes) | ___ (No) |

**CERTIFICATION**

I certify this to be a true and correct copy of the record in my office.
WITNESSETH my hand and official seal of the City of NORTH MIAMI Florida, this the 6 day of December, 20 11

Jacqui Vieira, Deputy City Clerk

# North Miami Annexation

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June, 2012
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