



## MEMORANDUM

Agenda Item No. 15(B)2

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

DATE: March 5, 2013

FROM: Harvey Ruvin, Clerk  
Circuit and County Courts

SUBJECT: Proposed Boundary Change  
to the Village of El Portal

Christopher Agrippa, Division Chief  
Clerk of the Board Division

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Pursuant to the provisions of Chapter 20-5 of the Code of Miami-Dade County, the Clerk of the Board Division has received a petition from the Village of El Portal requesting a boundary change to the Village of El Portal. (See legal description in the attached application).

Following consideration by the County Commission, the Code provides that this request be forwarded to the Planning Advisory Board for review, study and recommendation.

CA/kk  
Attachment

# APPLICATION FOR ANNEXATION

Clerk of the Board  
Stephen P. Carr Center  
111 NW First Street, Suite 17-202  
Miami, Florida 33128

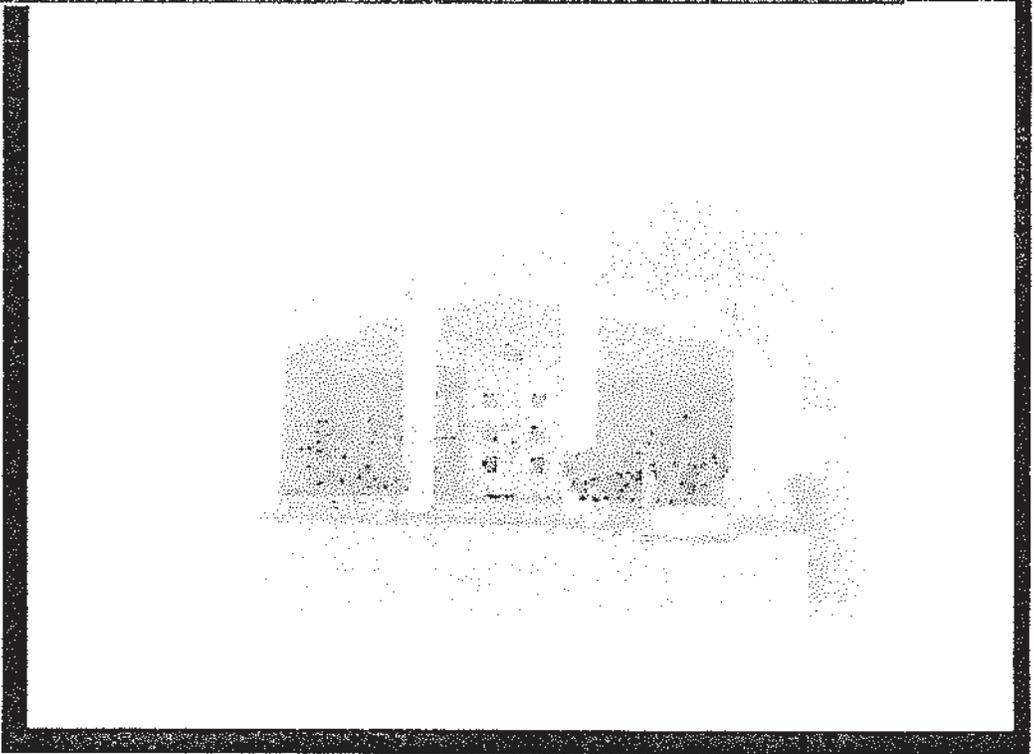
# 2013

## VILLAGE OF EL PORTAL

CLERK OF THE BOARD

2013 FEB 11 AM 10:30

CLERK OF THE BOARD



Application filed  
Returned to  
Miami, Florida 33128  
City of El Portal

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## **EXECUTIVE SUMMARY**

The Village of El Portal is applying to annex two (2) locations adjacent to the Village. The land is fully developed and consists of primarily properties zoned 8000 Community Facilities, 5000 Hotels and Motels, and vacant property. In the future these parcels will remain as their present land uses.

Currently, the City of Miami and the Village of Miami Shores are the only bordering municipalities materially affected by our proposal.

The Village has provided a complete analysis of potential services needed to serve the annexation areas as well as a cost analysis for providing these services. Since the two (2) areas are relatively small and the Village is already servicing the Area in which Horace Mann Middle School is located, service will be presented as one area in this application.

# RESOLUTION

First reading: July 28, 2012  
Adopted:

## RESOLUTION NO. 2012-022 ANNEXATION APPLICATION

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, AUTHORIZING THE VILLAGE MANAGER TO SUBMIT NECESSARY DOCUMENTS, AND INITIATING A REQUEST TO CHANGE THE BOUDARIES OF THE VILLAGE OF EL PORTAL, THROUGH THE VILLAGE OF EL PORTAL ANNEXING PROPERTY LEGALLY DESCRIBED AS ALL OF SECTION 1, TOWNSHIP 53 SOUTH, RANGE 41 EAST, OF MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 1171.8 FEET MORE OR LESS OF THE EAST 605.5 FEET MORE OR LESS OF SAID TRACT 2 OF "AMENDED PLAT A PORTION OF MIAMI SHORES SECTION 6" AS RECORDED IN PLAT BOOK 35 OF PAGE 25 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND SECTION 7, TOWNSHIP 53 SOUTH, RANGE 42 EAST, OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 4 OF "TUTTLES SUBDIVISION" AS RECORDED IN PLAT BOOK B OF PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; EXCEPT THE EAST 185.00 FEET, OF MIAMI DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 5.04 of the Miami Dade County Home Rule Charter and Section 20-3 of the Code of Miami Dade County, the Village of El Portal ( the "Village") initiated a proposed boundary change by and through Resolution No. 2012-022 after public hearing on July 28, 2012, upon mailed notice provided to all affected property owners within 600 feet of the proposed boundaries and notice provided by publication; and

WHEREAS, the Village Council conducted a public hearing that was properly noticed in accordance with the requirements of Section 20-3 of the Code of Miami Dade County; and

WHEREAS, the Village Council has determined that the annexation of the areas legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade

County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet is necessary, appropriate, and in the best interests of the Village and its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

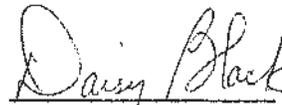
**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Village of El Portal Council hereby approves the extension and enlargement of the Village's boundaries to include the area legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet, and authorizes the initiation of municipal boundary change procedures pursuant to Section 5.04 of the Miami Dade County Home Rule Charter and Chapter 20 of the Code of Miami Dade County

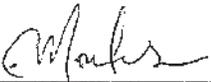
**Section 3.** The Village Council hereby affirms its request to the Board of County Commissioner of Miami-Dade County, Florida, to adopt an appropriate ordinance approving the request of the Village for the annexation of the lands legally described as Section, 1, Township 53 South, Range 31 East, of Miami Dade County, Florida; and Sections 1, and 12, Township 53 South, Range 41 East, of Miami Dade County; and Section 7, Township 53 South, Range 42 East, of Miami Dade County, Florida

**Section 4.** This resolution shall become effective upon the date of its passage and adoption herein.

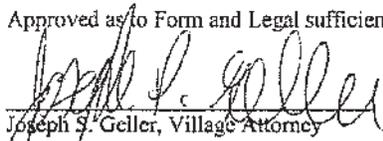
PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 28<sup>TH</sup> day of JULY, 2012.



Daisy Black/Mayor

ATTEST:   
Carolina Montealegre, Interim Village Clerk

Approved as to Form and Legal sufficiency:

  
Joseph S. Geller, Village Attorney

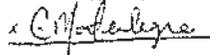
Moved by: Councilperson Linda Marcus

Seconded by: Councilperson Omarr Nickerson

Vote:

Mayor Black:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Cubillos:	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No) Absent
Councilperson Nickerson:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Marcus:	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilperson Mathis, Jr.:	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No) Absent

I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2012-022 adopted on July 28<sup>th</sup> 2012, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 5<sup>th</sup> day of October, 2012.



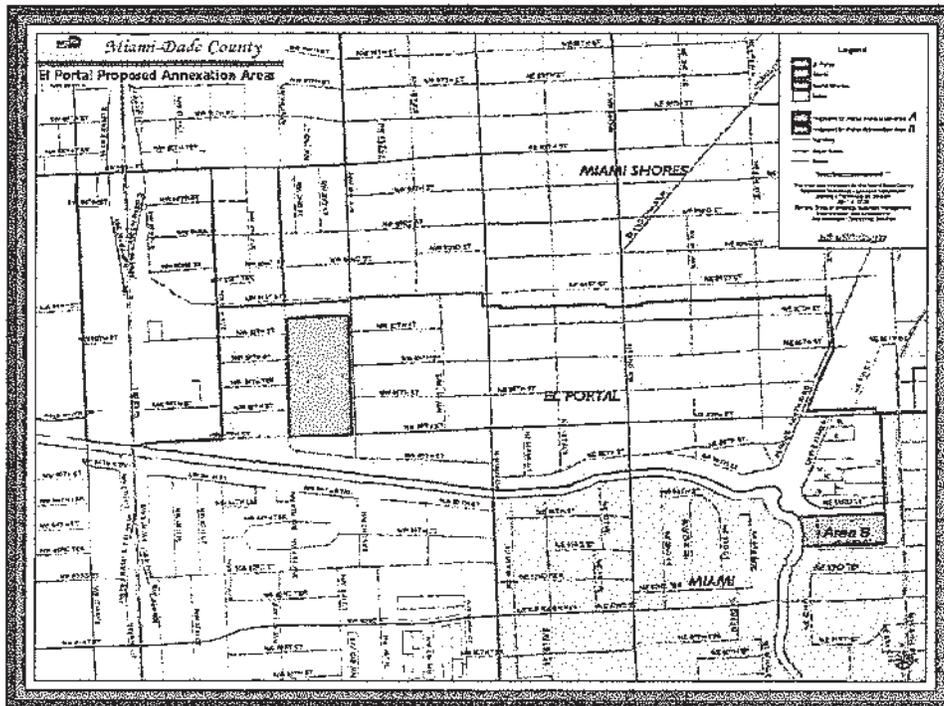
# NOTICE OF PUBLIC HEARING

Figure 1



## Village of El Portal NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Saturday, July 28, 2012**, the Village Council of El Portal will hold a Public Hearing at **1:00 P.M.** at the **Village of EL Portal, Village Hall, Council Chambers located at 500 N.E. 87<sup>th</sup> ST, El Portal, FL**; pursuant to the Miami-Dade County Charter Section 5.04 and the Miami-Dade County Ordinances, Section 20-3, to consider annexation and enactment of a Resolution concerning the annexation of certain land depicted in the following map. All interested parties are urged to attend the meeting and be heard.



### Legal Description:

Area A is a portion of land lying in Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows:  
The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida.

Area B is a portion of land lying in Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows:  
All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet.

*Information relating the subject application is on file and may be examined in the Village of El Portal, Planning and Zoning Department Located at 500 NE 87<sup>th</sup> ST, El Portal, Florida. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Village Clerk, 500 NE 87<sup>th</sup> ST, El Portal, Florida 33138. The courts have ruled that it is improper to contact a Village Council member individually, either orally or in writing about any zoning application. Maps and other data pertaining to these applications are available for public inspection during normal business hours in Village Hall. Any persons wishing to speak at a public hearing should register with the Village Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-795-7880.*

*Pursuant to Section 286.0105, Florida Statutes if a person decides to appeal any decisions made by the Village Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-795-7880 no later than 48 hours prior to the proceeding.*

Carolina Montealegre  
Interim Village Clerk  
Village of El Portal

## LEGAL DESCRIPTION

The following legal descriptions indicate the proposed boundaries for the annexation areas. The next section in this document contains the figures for the Location Map and Map of Survey for each parcel.

Parcel 1 (Area A) is a portion of land lying in Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows:

The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida.

*(See Figure 2)*

Parcel 3 (Area B) is a portion of land lying in Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows:

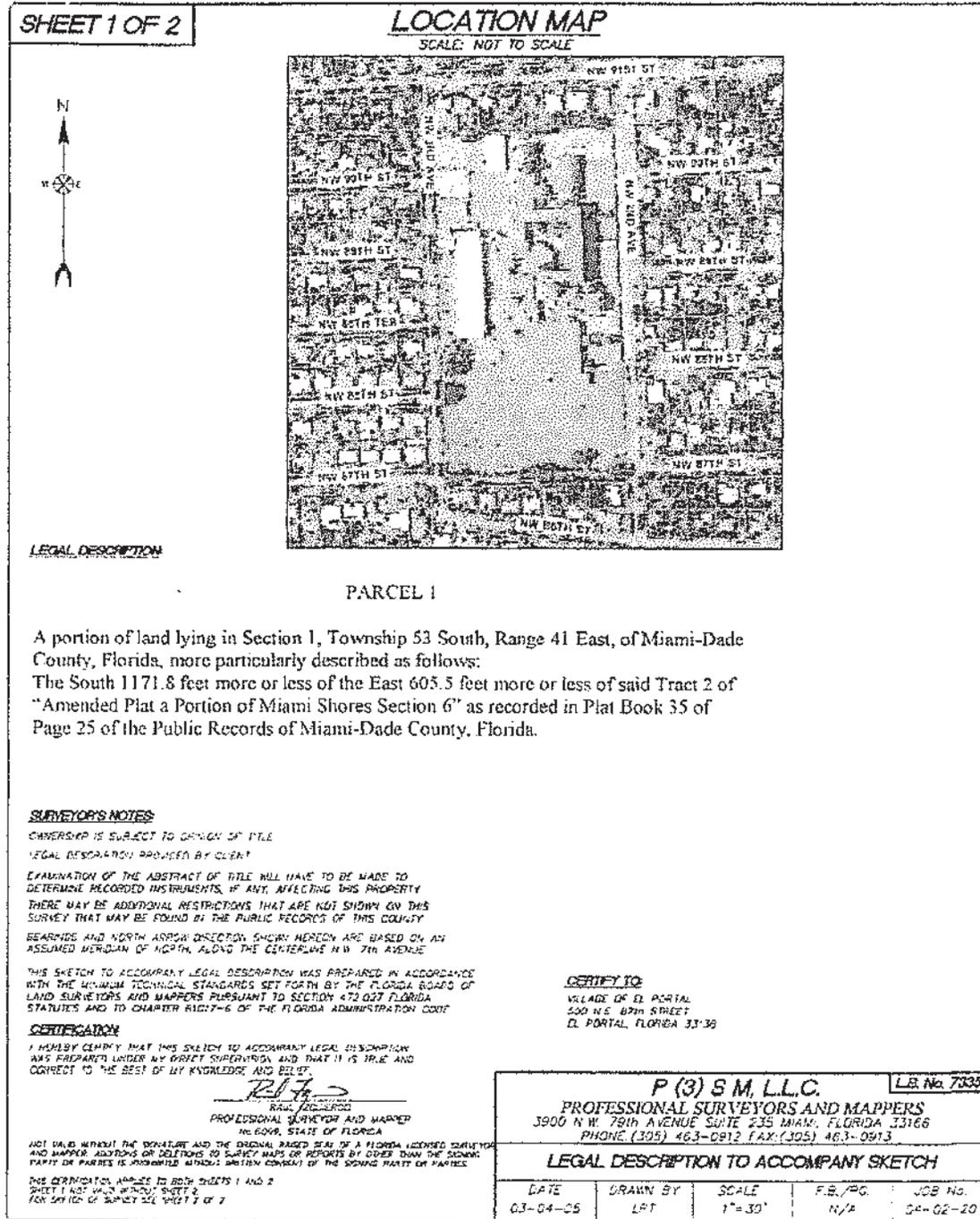
All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet.

*(See Figure 3)*

The annexation areas are within Unincorporated Miami Dade County. Figure four (4) below demonstrates that the only bordering city is the City of Miami, which borders Area B (Parcel 3). Figure four (4) depicts all areas to be annexed in relation to the Village of El Portal's existing boundaries.

# MAPS

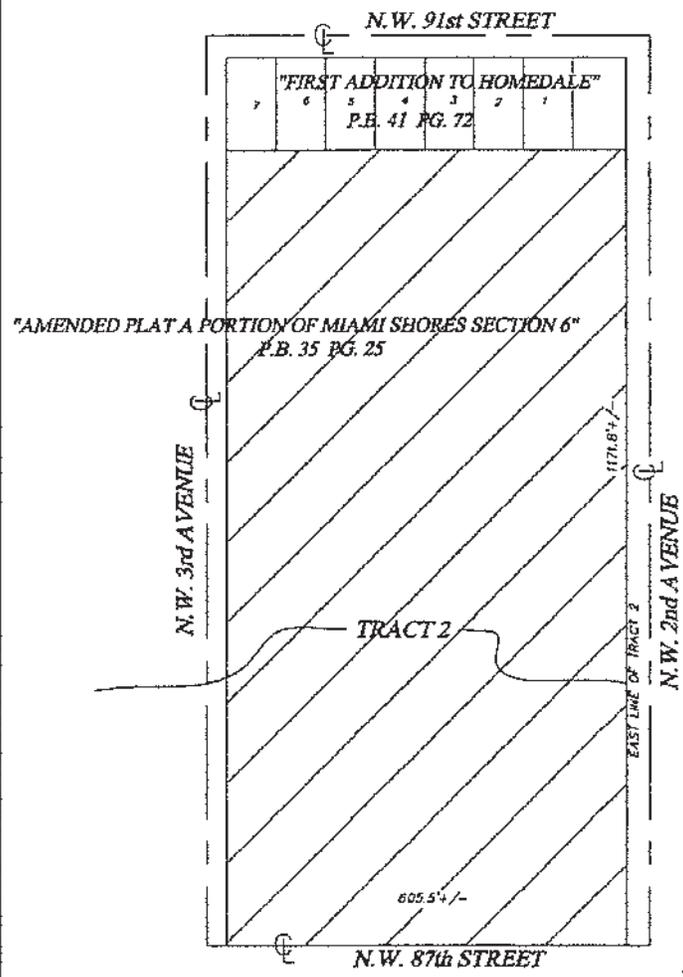
Figure 2



SHEET 2 OF 2

**MAP OF SURVEY**

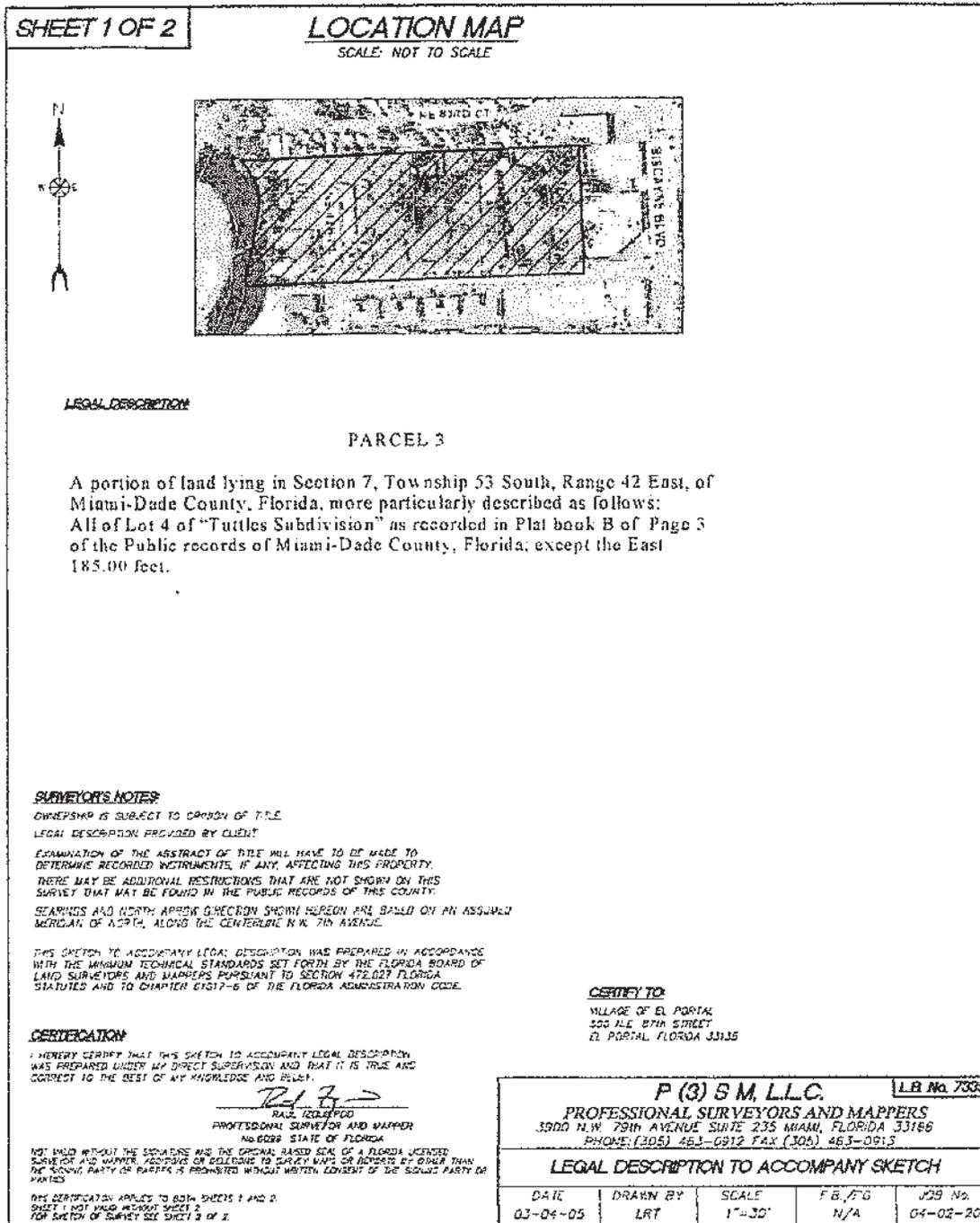
NOT TO SCALE



NOTE: SHEET 2 NOT VALID WITHOUT SHEET 1.  
FOR CERTIFICATION OF SURVEY SEE SHEET 1 OF 2.

<b>P (3) S M, L.L.C.</b>				L.B. No. 7335
<b>PROFESSIONAL SURVEYORS AND MAPPERS</b> 3905 N.W. 79th AVENUE SUITE 235 MIAMI, FLORIDA 33166 PHONE: (305) 463-0912 FAX: (305) 463-0913				
<b>LEGAL DESCRIPTION TO ACCOMPANY SKETCH</b>				
DATE	DRAWN BY	SCALE	F.B./PG.	JOB No.
03-04-05	LRT	1"=30'	N/A	04-02-20

Figure 3



SHEET 2 OF 2

MAP OF SURVEY



LOT 5  
P.B. B PG. 3

NORTH LINE OF LOT 4

PARCEL 3

LOT 4  
P.B. B PG. 3

LITTLE RIVER CANAL

N.E. 4th PLACE

EAST LINE OF LOT 4  
BRISCAVNE BLVD

N.E. 83rd STREET SOUTH LINE OF LOT 4

NOTE: SHEET 2 NOT VALID WITHOUT SHEET 1.  
FOR CERTIFICATION OF SURVEY SEE SHEET 1 OF 2.

<b>P (3) S M, L.L.C.</b>				LB. No. 7335
PROFESSIONAL SURVEYORS AND MAPPERS				
3800 N.W. 79th AVENUE SUITE 235 MIAMI, FLORIDA 33166				
PHONE: (305) 463-0912 FAX: (305) 463-0913				
<b>LEGAL DESCRIPTION TO ACCOMPANY SKETCH</b>				
DATE	DRAWN BY	SCALE	FE./PG.	JOB No
03-04-05	LRT	1"=30'	N/A	04-02-20



# CERTIFICATE OF THE COUNTY SUPERVISOR OF REGISTRATION

Figure 5



**Elections**  
2700 NW 87th Avenue  
Miami, Florida 33172  
T 305-499-8683 F 305-499-8547  
TTY 305-499-8480

## CERTIFICATION

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Penelope Townsley, Supervisor of Elections of Miami-Dade County, Florida, do hereby certify that the Village of El Portal Annexation Areas, as listed below, which boundaries are described in the attached map, have the following number of voters:

Area A: 0

Area B: 35

WITNESS MY HAND  
AND OFFICIAL SEAL,  
AT MIAMI, MIAMI-DADE  
COUNTY, FLORIDA,  
ON THIS 29<sup>th</sup> DAY OF  
AUGUST, 2012

  
\_\_\_\_\_  
Penelope Townsley  
Supervisor of Elections

*Please submit a check for \$110.00 to our office payable to the "Board of County Commissioners" for the cost of research and labor.*

## **STATEMENT ON GROUNDS FOR BOUNDARY CHANGE**

The Village of El Portal is a fully developed community with new construction limited to repair and remodeling. The vast majority of the land is residential in nature and is home to one of the oldest homes in Florida. As such, the required level of service for this land is high, while taxes generated to pay for that service is low. As a result, El Portal has one of the highest millage rates in Miami-Dade County, at 8.3 mills. This is approaching the allowable limit of 10 mills. By annexing land with a more diverse mix of uses, more taxes can be generated and the Village will be in a better position to service both the newly acquired annexation areas and the existing area. As parts of the community begin to redevelop, maintaining a competitive tax rate plays a large part in attracting people to the community.

El Portal's central location and easy accessibility from Miami Beach, Downtown, and Broward County, can also play a significant role in attracting, infill and redevelopment. In addition, the County has developed a policy to reduce its share of unincorporated land as a means to mitigate financial burdens associated with maintaining these areas. Therefore, this proposed annexation is in the best interest of both the City and the County.

# CONSENT OF BORDERING MUNICIPALITY

Figure 6



## City of Miami Legislation Resolution

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.miamigov.com

File Number: 07-00626

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S),  
CONSENTING TO THE VILLAGE OF EL PORTAL'S ANNEXATION APPLICATION,  
THAT PROPOSES TO ANNEX AN AREA OF MIAMI-DADE COUNTY THAT ABUTS  
THE CITY OF MIAMI, LYING WEST AND NORTH OF THE EXISTING  
BOUNDARIES OF THE VILLAGE OF EL PORTAL.

WHEREAS, the Village of El Portal is completing an annexation application to be submitted to the Miami-Dade County ("County") Board of County Commissioners; and

WHEREAS, one of the requirements of the County's annexation application procedures stipulates that any municipality materially affected by the proposed annexation must consent to the boundary change in the form of an approved resolution; and

WHEREAS, the City of Miami ("City") believes it to be in the best interest of its' citizens to consent to the annexation of the area described in "Exhibit 1," attached and incorporated;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami City Commission consents to the Village of El Portal's annexation application, that proposes to annex an area of the County that abuts the City, lying west and north of the existing boundaries of the Village of El Portal, as described in "Exhibit 1," attached and incorporated.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor. {1}

APPROVED AS TO FORM AND CORRECTNESS 

  
JORGE L. FERNANDEZ  
CITY ATTORNEY

Footnotes:

{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

"Exhibit 1"

107-52

12-18-'06 11:43 FROM-

T-736 P001/002 F-783



## Village of El Portal

500 Northeast 87th Street  
El Portal, Florida 33138-3517  
Telephone (305) 795-7880  
Fax (305) 795-7884

December 18, 2006

Pedro G. Hernandez  
City Manager  
City of Miami  
3500 Pan American Drive  
Miami, Florida 33133

Via Facsimile 305-250-5410

Re: Village of El Portal's Annexation

Dear Mr. Hernandez:

As you may know, the Village of El Portal is seeking to annex four areas of unincorporated Miami-Dade County (see Attached map). The areas include:

- Northwest Fifth and Seventh Avenues, from Northeast 95th Street south to the Little River;
- A small enclave bordered by Northwest 91st and 95th streets, between Third and Fifth Avenues;
- The Horace Mann Middle School; and
- A two-block area on Northeast 83rd Street just east of the Little River.

Under Section 20-3 (E) of the Miami-Dade County Code, the Village of El Portal is in need of support from the City of Miami in the form of an approved resolution for the proposed boundary changes. Section 20-3 (E) reads as follows: "In the event any municipality other than the municipality initiating the proposed boundary change is materially affected thereby, a resolution of the governing body of such affected municipality or municipalities consenting to the proposed boundary changes shall be obtained and duly certified copy thereof furnished to the Clerk of the County Commission.

On behalf of the Village of El Portal, I am requesting that we be placed on the City of Miami's Commission agenda in order to obtain the approved resolution consenting to our proposed boundary changes.

Please contact me at 305-795-7880 if you should have any questions.

Respectfully,

  
Jason Walker  
Village Manager

MJC # 07-735

Figure 8

RESOLUTION NO. 1123-07

A RESOLUTION OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, CONSENTING TO THE VILLAGE OF EL PORTAL'S ANNEXATION APPLICATION WHICH PROPOSES TO ANNEX AN AREA OF MIAMI-DADE COUNTY LYING WEST AND NORTH OF THEIR EXISTING VILLAGE BOUNDARIES.

WHEREAS, The Village of El Portal is completing an annexation application to be submitted to the Miami-Dade Board of County Commissioners; and

WHEREAS, one of the requirements of the County's annexation application procedures stipulates that any municipality materially affected by the proposed annexation must consent to the boundary change in the form of an approved resolution; and,

WHEREAS, a copy of the request from El Portal, as well as a copy of the proposed annexation area map are attached and made a part of the official record;

NOW, THEREFORE, BE IT RESOLVED BY the Miami Shores Village Council that:

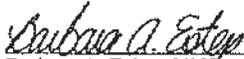
Section 1. The Council confirms receipt of the proposed boundary change map.

Section 2. The Council consents to the Village of El Portal's application to change their boundaries as set forth in the proposed boundary change map.

Section 3. This Resolution becomes effective immediately upon its adoption by the Miami Shores Village Council.

PASSED AND ADOPTED THIS 16<sup>th</sup> day of January, 2007.

ATTEST:

  
Barbara A. Estep, MMC  
Village Clerk

  
Al Davis, Mayor

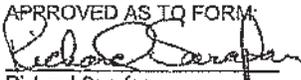
APPROVED AS TO FORM:  
  
Richard Sarafan  
Village Attorney

Figure 9



## Village of El Portal

500 NORTHEAST 87th STREET  
EL PORTAL, FLORIDA 33138-3517  
TELEPHONE (305) 785-7880  
FAX (305) 785-7884

December 18, 2006

Tom Benton  
Village Manager  
Miami Shores Village  
10050 N.E. Second Avenue  
Miami, Florida 33138

Re: Village of El Portal's Annexation

Dear Mr. Benton:

As you may know, the Village of El Portal is seeking to annex four areas of unincorporated Miami-Dade County (see attached map). The areas include:

- Northwest Fifth and Seventh Avenues, from Northeast 95th Street south to the Little River;
- A small enclave bordered by Northwest 91st and 95th streets, between Third and Fifth Avenues;
- The Horace Mann Middle School; and
- A two-block area on Northeast 83rd Street just east of the Little River.

Under Section 20-3 (E) of the Miami-Dade County Code, the Village of El Portal is in need of support from Miami Shores Village in the form of an approved resolution for the proposed boundary changes. Section 20-3 (E) reads as follows; "In the event any municipality other than the municipality initiating the proposed boundary change is materially affected thereby, a resolution of the governing body of such affected municipality or municipalities consenting to the proposed boundary changes shall be obtained and duly certified copy thereof furnished to the Clerk of the County Commission.

On behalf of the Village of El Portal, I am requesting that we be placed on the Miami Shores Village's Council agenda in order to obtain the approved resolution consenting to our proposed boundary changes.

Please contact me at 305-795-7880 if you should have any questions.

Regards,



Jason Walker  
Village Manager

## LAND USE PLAN AND ZONING

The Village of El Portal is applying to annex land in two (2) areas contiguous to the Village. The Land Use Map below depicts these two (2) areas and their current use. *(See figure 10)*

Area A is an enclave completely within the Village's boundaries bordered by NW 91<sup>st</sup> Street to the North, NW 2<sup>nd</sup> Avenue to the East, the theoretic location of NW 87<sup>th</sup> Street, and the Little River Canal to the South, NW 3<sup>rd</sup> Avenue to the West.

Area B is a small area to the South East of the Village located between the Village's southern boundary on the North, Biscayne Boulevard to the East, the City of Miami to the South and the City of Miami and the Little River to the west.

These areas are considered as one in terms of the analysis of this report.

Area A is fully developed and only represents Horace Mann Middle School, 8000 Community Facilities – CLUC Board of Public Instruction. Area B consist of mostly vacant land with a zoning designation of 5000 Hotels and Motels and 0003 Multi-Family. The Village has provided a complete analysis of potential services needed to serve the annexation areas as well as a cost analysis of providing these services. The Village envisions maintaining the land use mix that currently exists.

ENCLAVE STATEMENT

As is demonstrated below, the Village of El Portal confirms that Area A is an enclave, as defined in Section 20-7(A)(1)(c). This area borders the municipality and the proposed boundary change includes such enclave.



## **SERVICES TO BE PROVIDED**

The Village has no plans to change the existing land use mix, and accordingly will continue to provide services to the area, at least at their existing levels. Following is a description of the anticipated services required to serve the two annexation areas.

This section describes in detail the character and amount of services to be provided for the following areas:

### **a) Police Protection**

The El Portal Police Department evaluates itself regularly and makes adjustments depending on the needs of each police zone. The Police Department employs seven full time sworn Police personnel. In addition to the seven full-time personnel, the Village PD also employs (16) part-time sworn Police Officers. The department is headed by the Chief of Police, 1 Police Sergeant and 1 Corporal.

The department is currently providing services to Area A of the annexation application. Since the location of Area A is an enclave within the Village, by default, the Village maintains constant police presence in the area. Also, the Miami Dade Public School Police provide additional police service of the interior of Horace Mann Middle School.

The department is recommending to increase the part-time police budget to \$15,000 in order to increase patrol hours of PT officer to focus on calls in Area B. Currently, Area B consist of mostly vacant property.

### **b) Fire Protection**

Miami-Dade County will continue to provide fire protection services to the proposed annexation areas. El Portal residents currently pay fees directly to Miami-Dade County for fire protection within the current village limits.

### **c) Water Supply and Distribution**

The Village of El Portal purchases potable water from Miami-Dade Water and Sewer Department (MDWASD). The Miami-Dade County Department of Environmental Resources Management (DERM) has the responsibility under Metropolitan Dade County Administrative order for monitoring the operation of water treatment facilities operated by MDWASD. Under that order, DERM is responsible for monitoring these facilities using criteria consistent with the minimum Levels of Service adopted in El Portal Comprehensive Plan. The water supply in El portal is part of the regional water supply and distribution system in the northern part of Miami-Dade County, which is substantially developed in accordance with the County's Comprehensive Plan. This system also meets fire flow rates set in cooperation with the County Fire Department and DERM.

Water is supplied from the Hialeah-Preston Water Treatment Plant located in Hialeah and owned by MDWASD. Demand in El Portal, at last count was estimated at 190,000 million gallons per day based on a per capita water use of 100 gallons per day. El Portal is serviced by a series of 12-inch water mains along NE 2<sup>nd</sup> Avenue and North Miami Avenue, as well as an 8-inch main along 87<sup>th</sup> Street. The water distribution lines range in size from 12-in to 2-in.

#### **d) Facilities for the Collection and Treatment of Sewage**

El Portal does not provide public sanitary sewers or waste water treatment and disposal facilities. These needs are serviced by septic systems. As such, the Village does not intend to provide or require public sanitary sewers west of the railroad. Septic tanks have provided adequate service and El Portal has limited remaining vacant, developable land. Provision of a municipal sanitary sewer system to the existing residential area west of the railroad would place a financial burden on the Village which is not warranted by the existing conditions or soils. There is no evidence of effluent seepage into the canal or other adverse impact upon natural resources.

There may be a need to provide an extension of the existing regional wastewater collection and treatment system to service the redevelopment of the Little Farm mobile home park, due to both soil and density factors, particularly if the development will generate more than 1,500 gallons of sewage per day. This will be done through impact fees.

The annexation areas are not serviced by public sanitary sewers or waste water treatment and disposal facilities. These are serviced by septic systems. There is not a plan to convert to municipal sewage systems.

#### **e) Garbage and Refuse Collection and Disposal**

El Portal is provided with the collection of residential and commercial solid waste within the Village limits by private contract haulers. The waste is collected and transferred to either the Northeast Transfer Station or the Resource Recovery Facility. Miami-Dade County is responsible for solid waste disposal. Waste in El Portal is collected twice a week by a company which operates vehicles to service both commercial and residential uses.

Residential waste is generated at approximately 4.5 lbs per day per capita. Commercial waste is generated at approximately 0.5 lbs per day per capita. Waste in the Annexation Area which amounts to about 2,178 lbs per day, will be removed by a private hauler.

#### **f) Street Lighting**

Florida Power & Light provides electricity and lighting to the Village of El Portal. Because these facilities are in the public right-of-way, they should not interfere with on-site traffic flow. The Village will assume the cost of the street lighting at the applicable rate.

#### **g) Street Construction and Maintenance**

El Portal may utilize the People's Transportation Plan to make needed improvements to the area as needed. In the first year of the plan, the city will receive \$73,500. Twenty percent (20%) of the surtax revenue is distributed by pro rata share (determined by population). The Village

will continue to evaluate new and existing facilities on a periodic basis, utilizing consultants to design and construct improvements. There is no anticipated staff increase in this area due to the annexation.

Of course, the annexation areas will be subject to the traffic, stormwater and roadway performance standards, which include the level of service standard of the South Florida Building Code. New or infill development should not violate the water quality standard identified in Chapter 17-3 of the Florida Administrative Code. Additionally, all public roads will be maintained by the Public Works Department, except for State Roads, which are maintained by the Florida Department of Transportation.

For City roads, Level of Service (LOS) "E" must be provided for areas with no transit service LOS "E" + 20%. Level of Service "E" + 20% must be provided for areas with transit service headways of 20 minutes, and LOS "E" +50% for areas with extraordinary transit (express buses). This will be maintained.

#### **h) Parks and Recreation Services**

The Village of El Portal has approximately 0.1 acres of park and recreational land within its boundaries. These consist of three small municipal parks which offer passive recreation opportunities and also enhance the quiet residential character of the Village. There is a wide array of recreation facilities located within a 3.5 mile drive of the Village. These include metropolitan parks, community parks and school site playfields. Included these bolster the inventory to approximately 575 acres of parkland in the 3.5 mile radius.

#### **i) Building Inspection/ Zoning Administration/ Local Planning Services**

Building inspection, zoning, and planning are handled by the Village Code Enforcement staff (police officers) and outside consultants (building official) as needed. Between them they handle all building inspections, planning and zoning applications, land use, comprehensive planning, and concurrency management. All new developments must be reviewed by the Village or its consultants for approval. All developments should be compatible with the City's Future Land Use Plan and Comprehensive Plan, which is currently undergoing its Evaluation and Appraisal Report (Rewrite DONE in 10/2009). Additionally, all land use and zoning changes for large residential developments are reviewed by the Miami-Dade County Public School Board, which, in turn, provides a needs report to the Village.

New or infill development in the annexation area will be approved by the Village staff or consultants. Additionally, the Comprehensive Plan will be amended to include the annexation area. All development must comply with the requirements of the Department of Environmental Resource Management (DERM). This is relevant in terms of wetlands, contaminated sites, and tree conservation areas. The Village anticipates no increase in staffing to service the new areas.

#### **j) Special Services**

The Village will be responsible for hurricane preparedness and cleanup for the proposed annexation areas. No costs have been assigned to this at this time.

**k) General Government**

El Portal has a Council-Management form of government. The Village Council is vested with all legislative powers of the Village. It consists of four members and the mayor. The Council must hold 11 regular monthly meetings, and special meetings if warranted. It follows Robert's Rules of Order. The Mayor presides at meetings of the council and is a voting member. The Mayor is the head of Village government and is officially designated to represent the Village in all dealings with other governmental entities. The Vice-Mayor is elected at the first council meeting after each regular Village election, and has all the powers of Mayor when the Mayor is in absence.

The Village Manager is the chief administrative officer of the Village and serves at the pleasure of the Council by a vote of not less than three affirmative votes. The Manager may be removed by the Council at any time. The Manager is responsible for hiring, firing and supervising all Village employees, supervises the administration of all departments, attends all Council meetings and has the right to take part in discussions therein, but not vote. In addition the Manager insures the laws of the charter are enforced, submits an annual budget, produces and annual report on the finances and administration, and keeps the Council fully advised of the condition and needs of the Village. Execution of the contracts is also under the discretion of the Manager.

A Village Clerk is available to provide notices of meetings, keep minutes, and perform other duties. The Village Attorney reports to the Council. This form of government will be maintained, and the newly annexed areas will have the ability to participate fully.

## TIMETABLE FOR PROVIDING SERVICES

Upon approval by the Miami Dade Board of County Commissioners, the Village will immediately phase in services for each of the applicable areas over the course of twelve months after annexation. All Interlocal Agreements will be applied for and procured at that time. See Table 1 below.

Table 1

SERVICE	TIMETABLE
Police Protection	Immediate
Fire Protection	Immediate
Water	Immediate
Sewer	As required by future development.
Garbage & Refuse	Immediate
Street Lighting	Immediate
Parks	Immediate
Building & Zoning/ Planning	Immediate
Code Enforcement	Immediate
General Government	Immediate

## FINANCING SERVICES

There will be certain expenditures incurred when the annexation occurs. These costs will be one-time capital expenditures and annual salary costs. All estimates of capital items and personnel were ascertained by interviewing the department managers and estimators from Human Resources. Table 2 below contains these estimates.

Table 2

SERVICE	Capital Costs	Estimated Annual Cost	Revenue Source
Police Protection	0	\$15,000	General
Water	0	0	W&S
Sewer	0	0	W&S
Garbage & Refuse	0	0	Sanitation
Street Lighting	0	\$5,000	General
Parks	0	0	General

## TAX LOAD ON ANNEXATION AREAS

- The Village of El Portal currently maintains a millage rate of **8.3** (FY-12/13). The current Miami Dade County millage rate is **4.7035**. According to the Miami Dade County Property Appraiser's Office, the 2011 total preliminary ad valorem taxes assessed in Area A and B was:

Real Property	<b>\$3,024,412.00</b>
Total Ad Valorem	<b>\$23,847.48</b>

# CERTIFICATE OF THE DIRECTOR OF PLANNING & ZONING

Figure 11



**Date:** September 18, 2012  
**To:** Christopher Agrippa, Division Chief  
 Clerk of the Board  
**From:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**Subject:** Certification of the Village of El Portal Proposed Annexation Area A

This memorandum serves to certify that, in accordance with Sec. 20-9 (a) of the Code of Miami-Dade County, I have determined that:

- o The proposed annexation area, described below, is less than 50 percent developed residential. According to the 2012 land use records, as shown in the attached table and figure, there is no land in residential use (0 percent) within the proposed annexation area. The land area of the proposed annexation is approximately 16.4 acres.
- o The proposed annexation area, which is shown in the attached figure, is legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida

**Attachments**

- c: Jorge Fernandez, Office of Management and Budget  
 Craig Collier, County Attorney's Office  
 Carolina Montealegre, Village of El Portal

**Village of El Portal Proposed Annexation Area A  
 2012 Existing Land Use**

Land Use	Annexation Area A (Acres)	Annexation Area A (Percent of Total)	Village of El Portal (Acres)	Village of El Portal (Percent of Total)	Miami-Dade County (Acres)	Miami-Dade County (Percent of Total)
Residential	0.0	0.0	167.5	68.7	110780.1	8.7
Hotel-Motel	0.0	0.0	0.0	0.0	730.1	0.1
Commercial entertainment	0.0	0.0	0.0	0.0	955.1	0.1
Commercial & Office	0.0	0.0	2.2	0.9	12690.4	1.0
Industrial	0.0	0.0	1.2	0.5	17738.2	1.4
Institutional	16.4	100.0	2.9	1.2	14459.9	1.1
Parks/Recreation/Conservation	0.0	0.0	0.0	0.0	832653.9	65.8
Transportation, Communication, Utilities	0.0	0.0	68.4	28.0	87495.5	6.9
Agriculture	0.0	0.0	0.0	0.0	63289.0	5.0
Undeveloped	0.0	0.0	1.7	0.7	88530.4	7.0
Inland Waters	0.0	0.0	0.0	0.0	36977.2	2.9
<b>Total:</b>	<b>16.4</b>	<b>100.0</b>	<b>243.9</b>	<b>100.0</b>	<b>1266299.8</b>	<b>100.0</b>

Source: Miami-Dade County Department of Regulatory and Economic Resources (RER), Planning Research Section - September, 2012



# Memorandum



**Date:** September 18, 2012  
**To:** Christopher Agrippa, Division Chief  
 Clerk of the Board  
**From:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**Subject:** Certification of the Village of El Portal Proposed Annexation Area B

This memorandum serves to certify that, in accordance with Sec. 20-9 (a) of the Code of Miami-Dade County, I have determined that:

- o The proposed annexation area, described below, is less than 50 percent developed residential. According to the 2012 land use records, as shown in the attached table and figure, there are only 2.3 acres of land in residential use (42.6 percent) within the proposed annexation area. The land area of the proposed annexation is approximately 5.4 acres.
- o The proposed annexation area, which is shown in the attached figure, is legally described as Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Turtles Subdivision" as recorded in plat book B of Page 3 of the Public Records of Miami-Dade County, Florida; except the East 185.00 feet.

**Attachments**

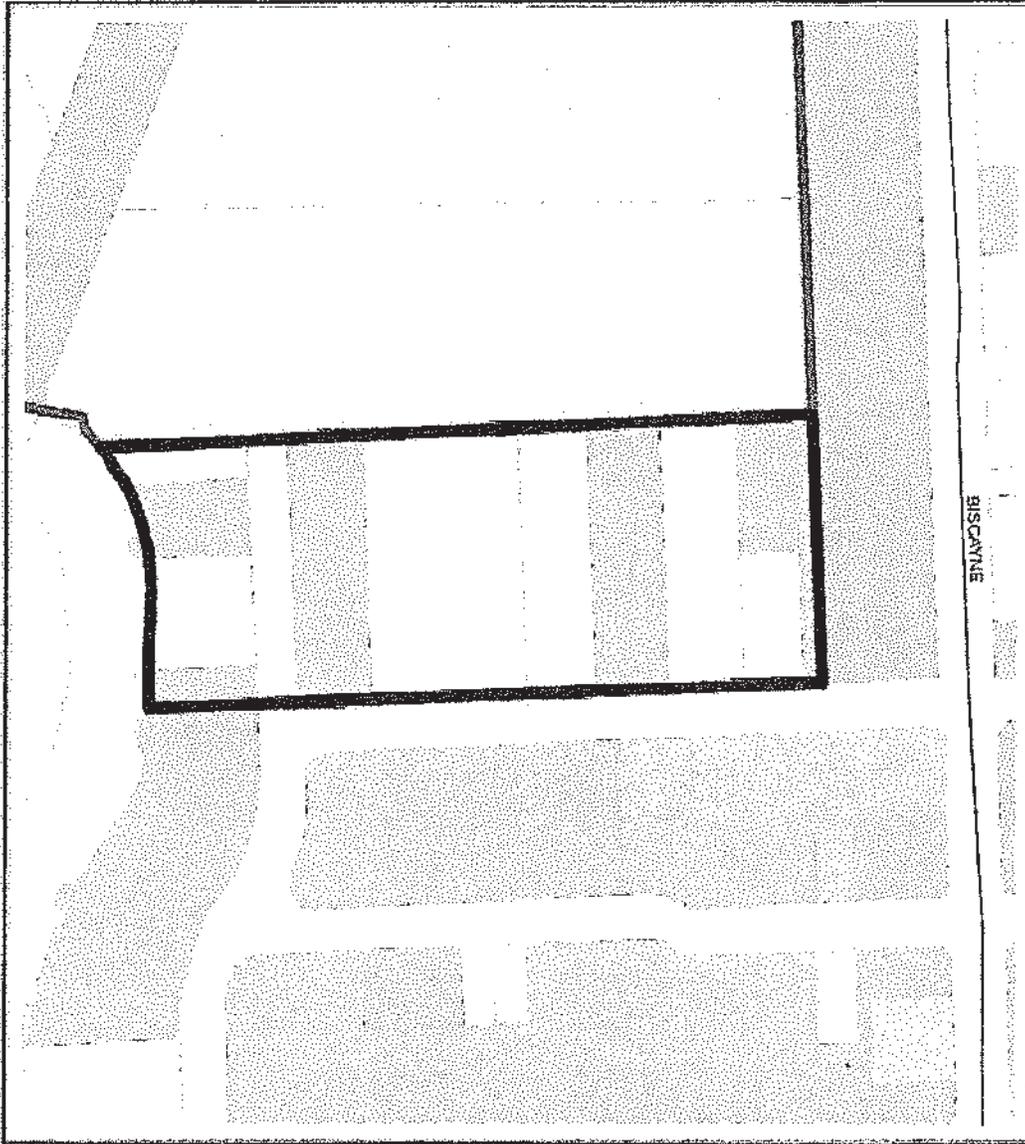
- c: Jorge Fernandez, Office of Management and Budget  
 Craig Collier, County Attorney's Office  
 Carolina Montealegre, Village of El Portal

**Village of El Portal Proposed Annexation Area B  
 2012 Existing Land Use**

Land Use	Annexation Area (Acres)	Annexation Area (Percent of Total)	Village of El Portal (Acres)	Village of El Portal (Percent of Total)	Miami-Dade County (Acres)	Miami-Dade County (Percent of Total)
Residential	2.3	42.6	167.5	68.7	110780.1	8.7
Hotel-Motel	0.0	0.0	0.0	0.0	730.1	0.3
Commercial/entertainment	0.0	0.0	0.0	0.0	955.1	0.1
Commercial & Office	0.0	0.0	2.2	0.9	12698.4	1.0
Industrial	0.0	0.0	1.2	0.5	17738.2	1.4
Institutional	0.0	0.0	2.9	1.2	14459.9	1.1
Parks/Recreation/Conservation	0.0	0.0	0.0	0.0	832653.9	65.8
Transportation, Communication, Utilities	0.3	5.6	68.4	28.0	87495.5	6.9
Agriculture	0.0	0.0	0.0	0.0	63289.0	5.0
Undeveloped	2.8	51.9	1.7	0.7	88530.4	7.0
Inland Waters	0.0	0.0	0.0	0.0	36977.2	2.9
<b>Total:</b>	<b>5.4</b>	<b>100.0</b>	<b>243.9</b>	<b>100.0</b>	<b>1266299.8</b>	<b>100.0</b>

Source: Miami-Dade County Department of Regulatory and Economic Resources (RER), Planning Research Section - September, 2012

# EL PORTAL PROPOSED ANNEXATION AREA B



## Legend

- |  |                                 |
|--|---------------------------------|
| SINGLE-FAMILY RESIDENTIAL              | SPECIAL USE                     |
| MEDIUM-DENSITY RESIDENTIAL             | COMMERCIAL OFFICE/PROFESSIONAL  |
| TOWNHOME                               | STREET FRONTAGE RESIDENTIAL     |
| LOW-DENSITY MULTI-FAMILY               | PUBLIC USE                      |
| HIGH-DENSITY MULTI-FAMILY              | APPROPRIATE                     |
| TERRITORIAL RESIDENTIAL (HOTEL/OFFICE) | PRIVATE ENTERPRISE/CO-EDUCATION |
| COMMERCIAL/OFFICE/CENTER/BUILDING      | WATER USE/RECREATION            |
| OFFICE                                 | VACANT/DEVELOPMENT              |
| HOSPITAL                               | VACANT/PRESERVED/TRACKED/OTHER  |
| INDUSTRIAL/ENTERTAINMENT               | VACANT/STORAGE                  |
| INDUSTRIAL                             | VACANT/OTHER                    |
| Storage/Building                       | Amenity                         |



Miami Dade County  
Regulatory and Economic Services Department  
Planning Research 2012

**PETITION INDICATING CONSENT**

No petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.

COPY

First reading: July 28, 2012

Adopted:

**RESOLUTION NO. 2012-022      ANNEXATION APPLICATION**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, AUTHORIZING THE VILLAGE MANAGER TO SUBMIT NECESSARY DOCUMENTS, AND INITIATING A REQUEST TO CHANGE THE BOUDARIES OF THE VILLAGE OF EL PORTAL, THROUGH THE VILLAGE OF EL PORTAL ANNEXING PROPERTY LEGALLY DESCRIBED AS ALL OF SECTION 1, TOWNSHIP 53 SOUTH, RANGE 41 EAST, OF MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 1171.8 FEET MORE OR LESS OF THE EAST 605.5 FEET MORE OR LESS OF SAID TRACT 2 OF "AMENDED PLAT A PORTION OF MIAMI SHORES SECTION 6" AS RECORDED IN PLAT BOOK 35 OF PAGE 25 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND SECTION 7, TOWNSHIP 53 SOUTH, RANGE 42 EAST, OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 4 OF "TUTTLES SUBDIVISION" AS RECORDED IN PLAT BOOK B OF PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; EXCEPT THE EAST 185.00 FEET, OF MIAMI DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to section 5.04 of the Miami Dade County Home Rule Charter and Section 20-3 of the Code of Miami Dade County, the Village of El Portal ( the "Village") initiated a proposed boundary change by and through Resolution No. 2012-022 after public hearing on July 28, 2012, upon mailed notice provided to all affected property owners within 600 feet of the proposed boundaries and notice provided by publication; and

**WHEREAS**, the Village Council conducted a public hearing that was properly noticed in accordance with the requirements of Section 20-3 of the Code of Miami Dade County; and

**WHEREAS**, the Village Council has determined that the annexation of the areas legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade

COPY

County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet is necessary, appropriate, and in the best interests of the Village and its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

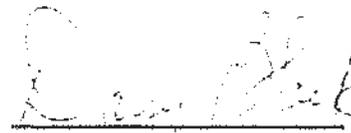
**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Village of El Portal Council hereby approves the extension and enlargement of the Village's boundaries to include the area legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet, and authorizes the initiation of municipal boundary change procedures pursuant to Section 5.04 of the Miami Dade County Home Rule Charter and Chapter 20 of the Code of Miami Dade County

**Section 3.** The Village Council hereby affirms its request to the Board of County Commissioner of Miami-Dade County, Florida, to adopt an appropriate ordinance approving the request of the Village for the annexation of the lands legally described as Section, 1, Township 53 South, Range 31 East, of Miami Dade County, Florida; and Sections 1, and 12, Township 53 South, Range 41 East, of Miami Dade County; and Section 7, Township 53 South, Range 42 East, of Miami Dade County, Florida

**Section 4.** This resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 28<sup>TH</sup> day of JULY, 2012.



Daisy Black, Mayor

COPY

ATTEST: [Signature]  
Carolina Montealegre, Interim Village Clerk

Approved as to Form and Legal sufficiency:

[Signature]  
Joseph S. Geller, Village Attorney

Moved by: Councilperson Linda Marcus

Seconded by: Councilperson Omarr Nickerson

Vote:

Mayor Black:	<u>X</u> (Yes)	___ (No)
Councilperson Cubillos:	___ (Yes)	___ (No) Absent
Councilperson Nickerson:	<u>X</u> (Yes)	___ (No)
Councilperson Marcus:	<u>X</u> (Yes)	___ (No)
Councilperson Mathis, Jr.:	___ (Yes)	___ (No) Absent

I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2012-022 adopted on July 28<sup>th</sup>, 2012, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 5<sup>th</sup> day of August, 2012.

[Signature]