MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	May 7, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance granting petition of the Coral Town Park Community Development District ("Petitioner" or "District") to dissolve the Coral Town Park Community Development District

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: May 7, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Granting Petition of the Coral Town Park Community Development District ("Petitioner" or "District") to Dissolve the Coral Town Park Community Development District

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The proposed ordinance grants petition to dissolve the Coral Town Park Community Development District. Implementation of this ordinance will not have a fiscal impact to the County.

Alina T. Hudak
Deputy Mayor

Fis5013

MEMORANDUM
(Revised)

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

DATE: May 7, 2013

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

SUBJECT: Agenda Item No. 5(B)

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. 5(B)
5-7-13

ORDINANCE NO. _____

ORDINANCE GRANTING PETITION OF THE CORAL TOWN PARK COMMUNITY DEVELOPMENT DISTRICT ("PETITIONER" OR "DISTRICT") TO DISSOLVE THE CORAL TOWN PARK COMMUNITY DEVELOPMENT DISTRICT; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board previously approved the establishment of the Coral Town Park Community Development District ("Coral Town Park CDD") when it enacted Ordinance No. 06-176 on December 5, 2006, ("Approving Ordinance"); and

WHEREAS, the Coral Town Park CDD encompasses approximately 22.42 acres of residential development lying wholly within Miami-Dade County Florida; and

WHEREAS, the Coral Town Park Community Development District Board ("Petitioner") has not provided community development services to the land encompassed by the Coral Town Park Community Development District, has no outstanding debt or obligations, has no operating or maintenance responsibilities, and has provided audit reports and other documentation; and

WHEREAS, the Petitioner desires to dissolve the Coral Town Park Community Development District pursuant to Section 1.01 (A)(21) of the Miami-Dade County Home Rule Charter (Charter") and in the manner provided in Section 190.046 (9), Florida Statutes ("Act"); and

WHEREAS, maintenance responsibilities within the boundaries of the Coral Town Park Community Development District will be assumed by the Coral Town Park Multipurpose Maintenance and Street Lighting Special Taxing District and successor upon adoption of this Ordinance to the Coral Town Park Community Development District; and

WHEREAS, upon adoption of this Ordinance, the Declaration of Restrictive Covenants required by County Resolution No. R-413-05, as amended by County Resolution No. R-883-06; and recorded at Clerk's File No. 2004 R0468412 of the Public Records of Miami-Dade County Florida, shall no longer have any legal effect; and

WHEREAS, the County Mayor or County Mayor's designee is authorized to take all action and to execute any documents presented by the Coral Town Park Community Development District which may be necessary to rescind the Restrictive Covenants; and

WHEREAS, upon adoption of this Ordinance, Resolution No. R-427-07, approved by the Board on April 24, 2007, authorizing services to the Coral Town Park CDD according to Section 197.3632, Florida Statutes, uniform method for the levy, collection and enforcement of non-ad valorem assessments through an interlocal agreement between the County and the Coral Town Park CDD ("Interlocal Agreement") is hereby rescinded; and

WHEREAS, having made the foregoing findings, and after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by the Charter and in the manner provided by the Act, by approving the dissolution of the Coral Town Park Community Development District,

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

Section 1. The foregoing findings are incorporated in this resolution by reference.

Section 2. The Petition, attached as Exhibit 1 to this ordinance, to dissolve the Coral Town Park Community Development District established by the Approving Ordinance is accepted and pursuant to that Petition, the Charter and the Act, the Coral Town Park Community Development District is dissolved.

Section 3. The Declaration of Restrictive Covenants recorded at Clerk's File No. 2004 R04468412 of the Public Records of Miami-Dade, Florida, shall no longer have any legal effect and the County Mayor or County Mayor's designee is authorized to take all action and to execute any documents presented by the Coral Town Park Community Development District which may be necessary to rescind the Restrictive Covenants.

Section 4. This Ordinance shall serve as written notice to the Petitioner and the County that the Interlocal Agreement shall terminate thirty (30) days from the effective date of this Resolution or sooner upon written agreement of the Petitioner and the County Mayor or County Mayor's designee on behalf of the County.

Section 5. It any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of this Board, and it is ordained that the provisions of this Ordinance shall not be included as part of the Code of Miami-Dade County, Florida.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the County 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:

Gerald T. Heffernan

Prime Sponsor: Commissioner Dennis C. Moss

"EXHIBIT 1 to the Ordinance"

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

IN RE:	PETITION FOR DISSOLUTION OF	)
	CORAL TOWN PARK	)
	COMMUNITY DEVELOPMENT DISTRICT	)

PETITION

The Board of Supervisors of the Coral Town Park Community Development District ("Petitioner" or "District"), a community development district established pursuant to Section 1.01(A)(21) of the Miami-Dade Home Rule Charter (the "Charter") in the manner provided by the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (the "Act") hereby petitions the Board of County Commissioners of Miami-Dade County ("Commission") to adopt a non-emergency ordinance dissolving the Coral Town Park Community Development District (the "District") in accordance with Section 190.046(9) of the Act and, in support thereof, attests as follows:

1. On December 15, 2006, the Commission enacted Ordinance No. 06-176 pursuant to the Charter and the Act establishing the Petitioner as a community development district within the meaning of the Act. The boundaries of the Petitioner are located wholly within the unincorporated boundaries of Miami-Dade County, Florida (the "County"). A legal description of those boundaries is attached as Exhibit "A".

2. The Petitioner has not commenced providing community development services to the land located within the boundaries of the Petitioner, has not incurred any debt, has no outstanding obligations, and has no operating or maintenance responsibilities. A copy of the audit report for the District's 2011 fiscal year, together with an updated balance sheet through the present, is attached as Composite Exhibit "B".

3. The Petitioner, through the adoption of Resolution 2012-06 by the Petitioner's Board of Supervisors on November 1, 2012, has heretofore determined that it is the best interest of the Petitioner and the current and future landowners of the land within its boundaries that the Petitioner's existence be terminated. Section 190.046(9) of the Act provides that a community development district may be dissolved, upon petition by the district, if a district has no outstanding financial obligations and no operating or maintenance responsibilities. A certification of the current board members of the District is attached as Exhibit "C", and a copy of Petitioner's Resolution 2012-06 is attached as Exhibit "D".

4. The owner of all the lands located within the boundaries of the District consents to the dissolution of the District, as evidenced by the Affidavit of Ownership and Consent attached as Exhibit "E".

5. All statements contained within this Petition are true and correct.

WHEREFORE, Petitioner, Coral Town Park Community Development District, hereby respectfully requests the Miami-Dade County Commission to grant this petition and enact a non-emergency ordinance pursuant to Sections 190.046(9) of the Act and other applicable law dissolving the community development district.

Respectfully submitted this 20th day of December, 2012.

CORAL TOWN PARK COMMUNITY DEVELOPMENT DISTRICT

By: Chairman, Board of Supervisors

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of December, 2012, by ALBERTO VALENCIA, the Chairman of the Board of Supervisors for the Coral Town Park Community Development District. He/She is personally known to me or has produced _____ as identification.

My Commission Expires:

MIRTA E. SUCENA
MY COMMISSION # EE23055
EXPIRES: September 02, 2014
1-800-3-NOTARY Fl. Notary Discount Assoc. Co.

Notary Public-State of Florida

Mirta E. Sucena.
Printed Name

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION:

Tract "A" and the Tree Preservation Area as shown on the Plat of ISLA GOLD MOBILE HOME PARK, as recorded in Plat Book 138 at Page 86 of the Public Records of Miami-Dade County, Florida, previously known as: The Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 34, Township 56 South, Range 39 East, LESS the North 35 feet and LESS the Railroad Spur, designated as Parcel #18, lying in Tract 5, now owned by the U.S. of America and LESS that portion of the land lying Northeasterly of the Railroad Spur, deeded to Miami-Dade County by Warranty Deed recorded in Official Records Book 8757 at Page 830, according to Plat Book 44, at Page 9, of the Public Records of Miami-Dade County, Florida.

AND

The West Half of the Northeast Quarter of the Northwest Quarter of Section 34, Township 56 South, Range 39 East, lying North of Moody Drive, LESS the North 266 feet of the West 264.5 feet according to Deed Book 2167, Page 476, of the Public Records of Miami-Dade County, Florida, and EXCEPT the North 35 feet for road.

AND

The land beginning at a point 1429.9 feet East and 25 feet South of the Northwest corner of Section 34, Township 56 South, Range 30 East, being the Intersection of Bauer Drive and the East side of State Road 4A, thence run East 25 feet South of and parallel to the North line of Section 34 for 177.2 feet to an iron pipe; thence South 241 feet to an iron pipe; thence West 241 feet to an iron pipe; thence North 154 feet to a pipe in the East boundary of State Road 4A; thence Northeast along said right of way 108.2 feet to a Point of Beginning.

AND

Lot 1, LESS the West 50 feet and Lots 19 and 20 in Block 9, of G.W. MOODY'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1, at Page 106, of the Public Records of Miami-Dade County, Florida, LESS road dedications of record.

AND

LESS the South 10.00 feet of the North 35.00 feet of the West Half of the Northeast Quarter of the Northwest Quarter of Section 34, Township 56 South, Range 39 East, Miami-Dade County, Florida, LESS the East 407.01 feet thereof, AND LESS that portion thereof which lies within the parcel conveyed to the County of Miami-Dade by Right of Way Deed dated December 10, 1930, and recorded in Deed Book 1414 at Page 504, of the Public Records of Miami-Dade County, Florida.

All of the above land being in Section 34, Township 56 South, Range 39 East, in Miami-Dade County, Florida.

E.R. BROWNELL & ASSOCIATES, INC.

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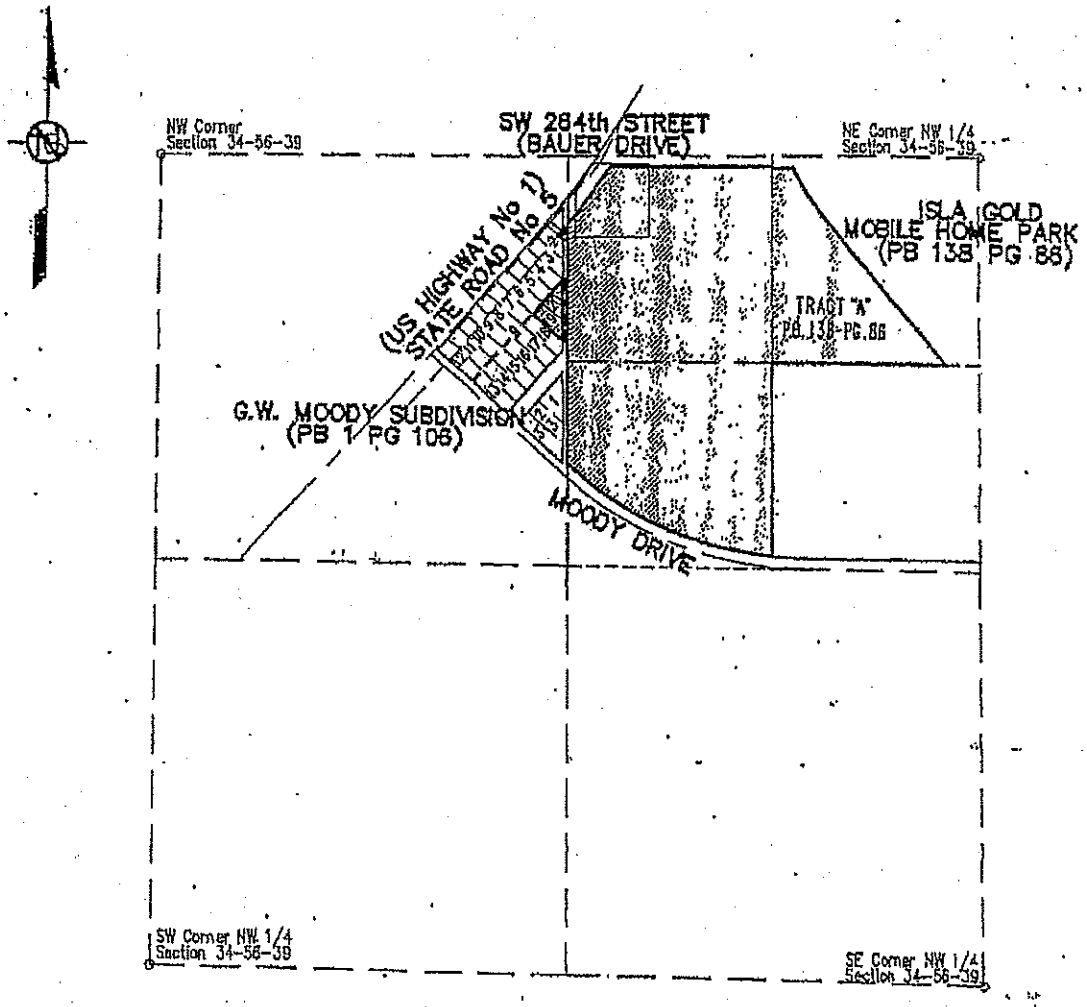
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



N.W. 1/4, SECTION 34-56-39
NOT TO SCALE

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

CORAL TOWN PARK

PREPARED BY: Thomas Brownell

E. R. BROWNELL & ASSOCIATES, INC.
LAND SURVEYORS - CONSULTING ENGINEERS
3152 CORAL WAY MIAMI, FL 33145 (305)446-3511

DR. BY : TB	DATE : 8/22/06	SK. # SM-2022
JOB # 58411-A	SCALE 1"=NTS	

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