

MEMORANDUM

Agenda Item No. 7(L)


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

DATE: (Second Reading 7-2-13)
May 7, 2013

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

SUBJECT: Ordinance authorizing and approving a sanitary sewer special connection charge for construction of sewer improvements to buildings and properties within a certain area of Doral Basin; providing for collection of such actual charges by the Miami-Dade Water and Sewer Department; providing for unpaid charges to be a lien on real property

The accompanying ordinance was prepared by the Water & Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

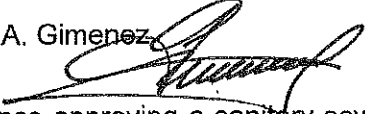
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Memorandum



Date: July 2, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance approving a sanitary sewer special connection charge for the Miami-Dade Water and Sewer Department for the expansion of sewer facilities in the Doral Basin Area

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance providing the Miami-Dade Water and Sewer Department (WASD) with the authority to charge a sanitary sewer special connection charge for the expansion of the sewer facilities in the Doral Basin Area.

SCOPE

This agenda item provides WASD with the authority to charge sanitary sewer special connection charges for the expansion of sewer facilities in Commission District 12, Jose "Pepe" Diaz.

FISCAL IMPACT/FUNDING SOURCE

There is a fiscal impact to the County as total construction costs are estimated at \$48,868,000.00. However, WASD will be reimbursed for 67% of the actual project construction costs through the collection of a sanitary sewer special connection charge from each property owner who requests new or increased sewer service. Sanitary sewer special connection charges paid by new users or users increasing their capacity will be non-refundable after WASD awards a contract of any kind related to the design and/or construction of such improvements. The reimbursement is estimated at \$32,877,188.00. The remaining estimated project construction costs, which equal \$15,990,812.00 (33%), will be funded by a combination of Plant Expansion and Sewer Renewal and Replacement Funds. There is a fiscal impact to the County's current budget and to future annual budgets until the construction project is completed and WASD is reimbursed the full 67% of the actual total construction cost by the property owners.

TRACK RECORD/MONITOR

WASD's Deputy Director for Regulatory Compliance and Capital Improvements, Douglas L. Yoder, will be responsible for collection of the sanitary sewer special connection charges.

BACKGROUND

WASD determined that improvements were required to the sewer facilities serving the area in the Doral Basin Area (see Exhibit A attached to this memorandum) bounded by N.W. 122 Street, N.W. 90 Street and N.W. 74 Street to the north, State Route 826 Extension to the east, and N.W. 12 Street to the south. The western boundary extends from N.W. 12 Street and N.W. 137 Avenue north to N.W. 25 Street then east to the Florida Turnpike Extension, then north to N.W. 122 Street.

The facilities currently serving the area are inadequate to serve increased usage in existing buildings, or new buildings expected to be constructed. This project will provide the sewer system capacity needed to accommodate the large scale developments proposed for this area.

WASD estimates that future sewer service customers in the area will require an average of 4,680,000 gallons per day of new or increased capacity which will be provided by the new sewage facilities. WASD will design and construct these new sewer facilities with its own funds and will be reimbursed 67% of the total actual project construction costs estimated to total \$32,877,188.00.

WASD will be compensated by collecting from each property owner who requests increased sewer service or new sewer service in the Doral Basin Area a sanitary sewer special connection charge at the time WASD's verification form is issued, or where a new business agreement has already been executed by a developer, within ten (10) days of the effective date of the Ordinance. The verification form is used by WASD to verify that sewer facilities are sufficient and that system capacity exists to serve the applicant's project. The form is issued after WASD confirms the sewer facilities and the system capacity are available. This confirmation takes place prior to the issuance of the building permit or a certificate of use and/or occupancy by the City of Doral. The sanitary sewer special connection charge will be collected until WASD is reimbursed in full for 67% of the actual project construction costs.

The Board adopted five similar ordinances which authorized WASD to collect special connection charges from new property owners and developers in the neighborhoods listed below:

1. On April 16, 1985, the Board adopted Ordinance No. 85-21 which approved a special connection charge in the area of S.W. 8 Street and Brickell Avenue.
2. On April 22, 2003, the Board adopted Ordinance 03-95 which approved a water and sewer special connection charge in the area of Downtown Kendall, and Ordinance 06-128 on September 12, 2006 which amended the dollar amount of the water and sewer special connection charge for the area of Downtown Kendall.
3. On November 11, 2005, the Board adopted Ordinance No. 05-198 which approved a sanitary sewer special connection charge in the area of Brickell Village.
4. On November 28, 2006 the Board adopted Ordinance No. 06-171 which approved a sanitary sewer special connection charge in the area of West Flagler Street to S.W. 8 Street and S.W. 12 Avenue to S.W. 17 Avenue (West Flagler Basin).
5. On May 2, 2012, the Board adopted Ordinance No. 12-36 which approved a sanitary sewer special connection charge in the area near Brickell Avenue bounded by the Miami River to the north, I-95 to the west, SW 21 Street to the south and Biscayne Bay to the east.

The sanitary sewer construction connection charge is determined by dividing the total estimated cost of additional capacity, which is \$32,877,188.00, by the total estimated additional capacity of 4,680,000 gallons per day, resulting in a charge of \$7.03 per gallon.


WASD will collect the Doral Basin Sanitary Sewer Special Connection Charge from property owners increasing the usage of their property and developers building new structures. Failure to

Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
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pay such charge as required shall constitute a lien on the property and new water service will be withheld to the property until the payment has been made.

The description and projected costs for the sanitary sewer improvements in the City of Doral are as shown below.

Sanitary Sewer Improvements	Project Costs
36-inch Force Main – N.W. 107 Avenue	\$ 10,787,000.00
20-inch Force Main – N.W. 74 Street	\$ 3,470,000.00
Upgrades to Local Pump Stations	\$ 11,250,000.00
24-inch Force Main – N.W.54 Street	\$ 4,750,000.00
Pump Station 418 Upgrades	\$ 18,611,000.00
Total:	\$ 48,868,000.00



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: July 2, 2013

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

SUBJECT: Agenda Item No. 7(L)

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 _____

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7-2-13

ORDINANCE NO. _____

ORDINANCE AUTHORIZING AND APPROVING A SANITARY SEWER SPECIAL CONNECTION CHARGE FOR CONSTRUCTION OF SEWER IMPROVEMENTS TO BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF DORAL BASIN; PROVIDING FOR COLLECTION OF SUCH ACTUAL CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT; PROVIDING FOR UNPAID CHARGES TO BE A LIEN ON REAL PROPERTY; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, existing sanitary sewer facilities serving the area generally bounded by N.W. 122 Street, N.W. 90 Street and N.W. 74 Street to the north; State Route 826 Extension to the east; N.W. 12 Street to the south; the western boundary extends from N.W. 12 Street and N.W. 137 Avenue north to N.W. 25 Street then east to the Florida Turnpike Extension, then north to N.W. 122 Street (the "Doral Basin"), as more fully shown on the map attached hereto as Exhibit "A" and made a part hereof, are inadequate (1) to serve new buildings anticipated to be constructed within the area and (2) for increased usage of existing buildings; and

WHEREAS, the Miami-Dade Water and Sewer Department ("WASD") has determined that new sanitary sewer facilities capable of providing sufficient capacity for the total anticipated growth of the area will cost approximately \$48,868,000.00; and

WHEREAS, WASD has based its projections for the total anticipated growth of the Doral Basin, in part, on the amount of capacity that developers who intend to build in the area have relayed to and/or contracted with WASD to use; and

WHEREAS, the improvements made to the sanitary sewer facilities in the Doral Basin will add value to all properties within the Doral Basin; and

WHEREAS, WASD is financing the costs of this construction work to expand sanitary sewer capacity in the Doral Basin in reliance on its communications and contracts with developers who intend to build or increase usage of the sanitary sewer facilities in the area because such developers cannot independently finance the large-scale improvement to the sanitary sewer facilities in the Doral Basin needed to accommodate their projected development; and

WHEREAS, WASD will design and construct the new sanitary sewer facilities with its own funds and will be reimbursed 67% of the total actual project cost (estimated to be \$32,877,188.00) by collecting from each property owner who requests new or increased sanitary sewer service in this area, a pro-rata share of the cost in the form of a Doral Basin Sanitary Sewer Special Connection Charge prior to the issuance of a verification form, or where a new business agreement has already been signed by the developer, within ten (10) days of the effective date of this Ordinance; and

WHEREAS, WASD estimates that future sewer customers in this area will require approximately 4,680,000 average daily gallons of system capacity which will be provided by the new facilities; and

WHEREAS, the Doral Basin Sanitary Sewer Special Connection Charge shall be determined by dividing the total estimated cost of additional capacity \$32,877,188.00 in the new sanitary sewer facilities project by the total estimated additional capacity of 4,680,000 gallons per day which equals \$7.03 per each average daily gallon,

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

Section 1. The recitals made above, and the same are incorporated herein by reference.

Section 2. The Board hereby approves the imposition of the Doral Basin Sanitary Sewer Special Connection Charge of \$7.03 per each average daily gallon of flow within the property at the time new or increased sewer service is requested for buildings and properties, which will utilize the capacity in the new sanitary sewer facilities to be constructed by WASD. This Doral Basin Sanitary Sewer Special Connection Charge will be assessed for all properties in the area bounded by N.W. 122 Street, N.W. 90 Street and N.W. 74 Street to the north; State Route 826 Extension to the east; N.W. 12 Street to the south; the western boundary extends from N.W. 12 Street and N.W. 137 Avenue north to N.W. 25 Street then east to the Florida Turnpike Extension, then north to N.W. 122 Street, as more fully shown on Exhibit "A," which properties are receiving new or increased sewer service after the effective date of this Ordinance.

Section 3. WASD is hereby authorized and empowered to charge and collect the Doral Basin Sanitary Sewer Special Connection Charge from property owners and developers who receive new or increased sewer service from the new facilities after the effective date herein and to require payment of said charge as a condition to sewer service. Payment of said charges shall be made prior to issuance of a verification form, or where a new business agreement has already been executed by a developer, within ten (10) days of the effective date of the Ordinance.

Section 4. Properties and buildings in this area which are receiving sewer service on the effective date herein shall not be subject to payment of the Doral Basin Sanitary Sewer Special Connection Charge; however the charge shall be imposed for any additional sewer capacity furnished after said date.

Section 5. The authority to charge and collect the Doral Basin Sanitary Sewer Special Connection Charge shall terminate when WASD has been reimbursed in full for 67% of actual project construction costs of the new facilities, including design and construction costs.

Section 6. The Doral Basin Sanitary Sewer Special Connection Charge shall be required in addition to other charges, including but not limited to, WASD's standard water and sewer connection charge.

Section 7. All Doral Basin Sanitary Sewer Special Connection Charges, which remain unpaid sixty (60) days after the past due date, shall become a lien against and upon the real property connecting to the sewer system, to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said Doral Basin Sanitary Sewer Special Connection Charges, and interest accrued thereupon, shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved for the period of twenty (20) years from the date said charges become a lien as set forth in this section. Said liens may be enforced and satisfied by the County, on behalf of WASD, pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the County and WASD, including but not limited to suspension and termination of water service. All such liens may be discharged and satisfied in accordance with the provisions of Section 32-94(b) of the Code of Miami-Dade County, as may be amended from time to time.

Section 8. As has been WASD's policy for all special connection charges to improve sanitary sewer facilities within a particular basin in the County, any amounts that have been paid by new users or users that are increasing their capacity will be non-refundable once WASD has awarded a contract of any kind related to the design and/or construction of such improvements.

Section 9. If 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 10. This Ordinance shall become effective 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.

Section 11. This Ordinance shall be excluded from the Code of Miami-Dade County.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:

SED

Sarah E. Davis

