

Memorandum



(Public Hearing 9-4-13)

Date: July 16, 2013

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

Agenda Item No. 5(G)

From: Carlos A. Gimenez
Mayor

Subject: Amendment to Ordinance No. 09-19 relating to the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District

Recommendation

In accordance with Article 1, Section 18-16 (i) of the Miami-Dade County Code, it is recommended that the Board of County Commissioners (BCC) approve an amendment to expand the boundary of the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District, created by Ordinance No. 09-19, to include contiguous property to the north. Inclusion of the Veranda North property into this District will meet the subdivision lighting requirement pursuant to Chapter 28 of the Code of Miami-Dade County and Public Works and Waste Management Department policy. The multipurpose maintenance program will remain dormant until such time as any Homeowners Association or Community Development District (CDD) fails to provide the required maintenance service.

Scope

The Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District lies within Commissioner Dennis C. Moss' District 9. If approved at public hearing, street lighting services and other multipurpose maintenance services will be provided to the annexed Veranda North area by the District.

Fiscal Impact/Funding Source

Annexing the Veranda North area into the existing Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District will result in no economic impact on the County's budget or to the property owners within the existing District boundary. The developer, pursuant to Section 18-2 of the Code, is required to fund all costs incidental to amend the District's boundary including the costs to install, maintain and operate the District's street lighting system for the first year of service. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the District upon acceptance of the plat required improvements by Miami-Dade County and upon the failure of any Homeowners Association or CDD to provide the required maintenance services. District services will be funded by annual special assessments against benefited property. If this amendment is adopted, District operational costs will be collected in the District's annual rate and applied uniformly throughout the District's amended geographical boundary for the second and succeeding years.

The economic impact on the Veranda North residents will be a perpetual annual special assessment for the cost of street lighting and maintenance services to all property owners within the District. The Florida Power and Light Company is the owner of the street lighting system and therefore will derive revenues from it.

At this time there will be no increase or decrease in County staffing due to this amendment. The private sector may increase its staffing levels to provide the services required by amending the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District boundary.

Track Record/Monitoring

The Public Works and Waste Management Department is the managing entity overseeing this item and the person responsible is Donald L. Tock, Jr., Chief, Special Taxing Districts Division.

Background

The Public Works and Waste Management Department's Special Taxing Districts Division will monitor the Florida Power and Light Company's agreement, installation, and billing process, and will do so within the expanded boundary of the District if the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District ordinance is amended. In the event any Homeowners Association or CDD fails to provide maintenance services within the District, the Miami-Dade County Parks, Recreation and Open Spaces Department and Public Works and Waste Management Departments' Special Taxing Districts Division will provide the District's required maintenance services and cause implementation of special assessments for the costs of such services against benefitted property.

Area to be Annexed:	On the North, SW 280 Street, On the East, SW 150 Avenue, On the South, SW 282 Street, On the West, SW 152 Avenue.
District Boundary as Amended:	On the North, SW 280 Street, On the East, SW 149 Avenue; On the South, SW 284 Street; On the West, SW 152 Avenue.
Number of Parcels to be Added:	2 (the Veranda North tentative plat proposes an additional 282 rental units for a District total of 674).
Number of Owners within Annexed Area:	1
Number of Owners With Homestead Exemption Signing Petition	None – The petition for the annexed area was submitted by Veranda Holdings, LLC., the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Required Referendum:	The amendment of the District boundary will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
Preliminary Assessment Roll:	The street lighting assessment roll is submitted on the same agenda as a separate agenda item for consideration and adoption by the BCC and contingent upon the BCC approval of this

amending ordinance. In the event any Homeowners Association or CDD fails to provide the maintenance services below, a hearing to adopt the multipurpose maintenance assessment roll will be conducted at that time. The implementation of the assessment rolls will be in accordance with the procedures defined in Chapter 18 of the Code.

Proposed Service and Improvements
Multipurpose Maintenance Services:

The amendment of this District is requested to maintain the landscaped areas and swales within the amended District boundary and common areas within the private road area should any Homeowners Association or CDD fails to provide these services. Failure to provide maintenance within the private road area is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.

Street Lighting Improvements:

If this ordinance is amended, the district will install, operate and maintain a total of sixty-four (64) 16,000 lumen sodium vapor traditional post-top streetlights mounted on fiberglass poles.

Estimated Initial Billing:

Assessment billed annually as an itemized portion of the annual tax bill.

Initial Start of Service

Multipurpose Maintenance Services: October 1st following cessation of maintenance services by the developer and failure of any Homeowners Association or CDD to provide services.

Street Lighting Services: November 2014, following the provision of street lighting services by the developer for the first year.

Method Of Apportionment:

Maintenance Services:	Square Footage
Street Lighting Service:	Front Footage

Estimated Annual Total Cost:

	<u>First Year</u>	<u>Second Year</u>
Maintenance Services:	\$0	\$311,280.00
Street Lighting Service:	\$47,724.03	\$20,499.16

Estimated Annual Rates:

	<u>First Year</u>	<u>Second Year</u>
Maintenance Services:	Provided by	\$0.2964
Street Lighting Service:	Petitioner	\$3.0200

Estimated Annual Assessments:

	<u>First Year</u>	<u>Second Year</u>
Maintenance Services:	Provided by	\$54,011.25
For Tract A (PB.169-6):	Petitioner	\$44,374.56
For Proposed Tract A:		\$47,685.22
For Proposed Tract B:		

	<u>First Year</u>	<u>Second Year</u>
Street Lighting Services:	Provided by	\$3,642.12
For Tract A (PB.169-6):	Petitioner	\$3,627.02
For Proposed Tract A:		\$3,418.64
For Proposed Tract B:		

The annual assessments shown above are representative of costs for property within the amended District's boundary.

State or Federal grants are not applicable to this special taxing district.

In accordance with the requirements of Section 18-2 of the Code, to provide street lighting in new subdivisions through the creation of street lighting special taxing districts, and in compliance with the provisions of Sections 18-3 (c) and 18-16 (i) of the Code, I have reviewed the facts submitted by the Public Works and Waste Management Director and concur with her recommendation that the boundary of the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District be amended to include contiguous property to the north in order to provide multipurpose maintenance and public street lighting services.

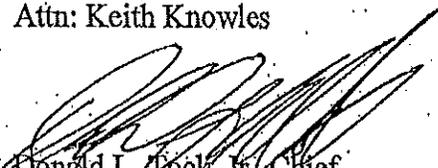


Alina T. Hudak
Deputy Mayor

Memorandum



Date: February 12, 2013
To: Christopher Agrippa, Division Chief
Office of the Clerk of the Board
Attn: Keith Knowles

From: 
Donald L. Fock, Jr., Chief
Special Taxing Districts Division
Public Works and Waste Management Department

Subject: Amendment to Ordinance No. 09-19 to amend the Veranda North Area to the Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Sections 18-2 and 18-22.1 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Office of the Property Appraiser, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	<u>1</u>
2.	Total number of owners of property within district boundaries	<u>1</u>
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	<u>0</u>
4.	Total number of signatures on the petition	<u>1</u>
5.	Total number of owners or representatives signing the petition in an official capacity	<u>1</u>
6.	Percentage of owners or representatives signing the petition in their official capacity	<u>100%</u>

Pursuant to Sections 18-2 and 18-22.1 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

c: Jorge Martinez-Esteve

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MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing Districts

FROM: Jorge Martinez-Esteve
Assistant County Attorney

DATE: March 6, 2013

SUBJECT: Veranda Subdivision Amended Multipurpose Maintenance and Street
Lighting
Special Taxing District

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient for street lighting and the other purposes stated within the Petition, provided that:

1. the wall and entrance features to be maintained are adjacent to or accessible from the public right of way; and,
2. the land included in Exhibit A of the Petition is accessible to or usable by the public.

JME/lr

MIAMI-DADE COUNTY
PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Document Preparation
Date: 12-18-12

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, to amend Ordinance No. 09-19 pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, expanding the boundaries of the "Veranda Subdivision Multipurpose Maintenance and Street Lighting Special Taxing District," to include and provide special taxing district services to those properties lying generally between SW 280th Street and SW 284th Street and SW 149th Avenue and SW 152nd Avenue for any or all of the following: installation, operation and maintenance of sodium vapor street lights of an intensity of 16,000 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles; landscape, entrance features and wall maintenance services (requested landscape, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The district boundaries, as amended, lie within a portion of the unincorporated area of Miami-Dade County and are more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) VERANDA NORTH (T - 23295)

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works and Waste Management Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX-FOLIO NUMBER
VERANDA HOLDINGS, LLC	5500 Military Trail #22-356		
a Florida Limited Liability Company,	Jupiter, Florida 33458	MORE FULLY	
by and through a Managing Member:		DESCRIBED ON	30-7904-000-0040
By: HAV, LLC	Two Witnesses:	THE ATTACHED	
a Florida Limited Liability Company		"EXHIBIT A"	
by and through a Managing Member:	1) <i>[Signature]</i>	ATTACHED HERETO	
By: NARANJA VENTURES, LLC	Print Name <i>Tece Muniz</i>		
a Florida Limited Liability Company			
<i>[Signature]</i> George de Guardiola, Managing Member of all companies noted above.	2) <i>[Signature]</i> Print Name <i>Beverly Klenzak</i>		

PLACE NOTARY STATEMENT AND STAMP HERE:

STATE OF Florida)
COUNTY OF Palm Beach)

The foregoing instrument was acknowledged before me this 18th day of December, 2012, by George de Guardiola, Managing Member of NARANJA VENTURES, LLC, a Florida limited liability company, as a Managing Member of HAV, LLC, a Florida limited liability company, on behalf of the limited liability company as Managing Member of VERANDA HOLDINGS, LLC, a Florida limited liability company. He/she (check one) is personally known to me or has produced a Florida driver license or as identification.

My Commission Expires:
Date: 12/20/13

NOTARY PUBLIC
STATE OF FLORIDA
SUSAN NELLEN
MY COMMISSION # DD 939187
EXPIRES: December 20, 2013
Bonded Thru Budget Notary Services

[Signature]
Notary Public, State of Florida

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Departmental Acceptance Date
(Government Use Only)

EXHIBIT "A"

EXHIBIT "A" TO THE PETITION DATED 12-18-12 TO AMEND THE VERANDA SUBDIVISION MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT CREATED PURSUANT TO ORDINANCE NO. 09-19, FOR STREET LIGHTING, LANDSCAPE, ENTRANCE FEATURES, AND WALL MAINTENANCE.

LEGAL DESCRIPTION:

THE NW ¼, OF THE NW ¼ OF THE NE ¼ OF SECTION 4, TOWNSHIP 57 SOUTH, RANGE 39 EAST, LESS THE NORTH 40.00 FEET, LESS THE WEST 35.00 FEET, LESS THE EAST 25.00 FEET AND LESS THE SOUTH 25.00 FEET FOR ROAD RIGHT-OF-WAY, IN MIAMI-DADE COUNTY, FLORIDA.

FOLIO NO.: 30-7904-000-0040

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Departmental Acceptance Date
(Government Use Only)

EXHIBIT "B"

EXHIBIT "B" TO THE PETITION DATED DECEMBER 18, 2012 TO AMEND THE VERANDA SUBDIVISION MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT CREATED PURSUANT TO ORDINANCE NO. 09-19, FOR STREET LIGHTING, LANDSCAPE, ENTRANCE FEATURES, AND WALL MAINTENANCE.

AREAS TO BE MAINTAINED:

COMMON ELEMENTS AND PRIVATE ROADS OF THE PARCELS DESCRIBED IN EXHIBIT A, AND LANDSCAPED AREAS, SWALES, AND MEDIANS WITHIN THE BOUNDARIES OF THIS SPECIAL TAXING DISTRICT INCLUDING:

1. OPEN SPACE PARKS
2. LANDSCAPED AREAS ON COMMON PROPERTY
3. ENTRANCE FEATURES AND SIGNAGE

MAINTENANCE SCHEDULE:

A.) LAWN/GRASS

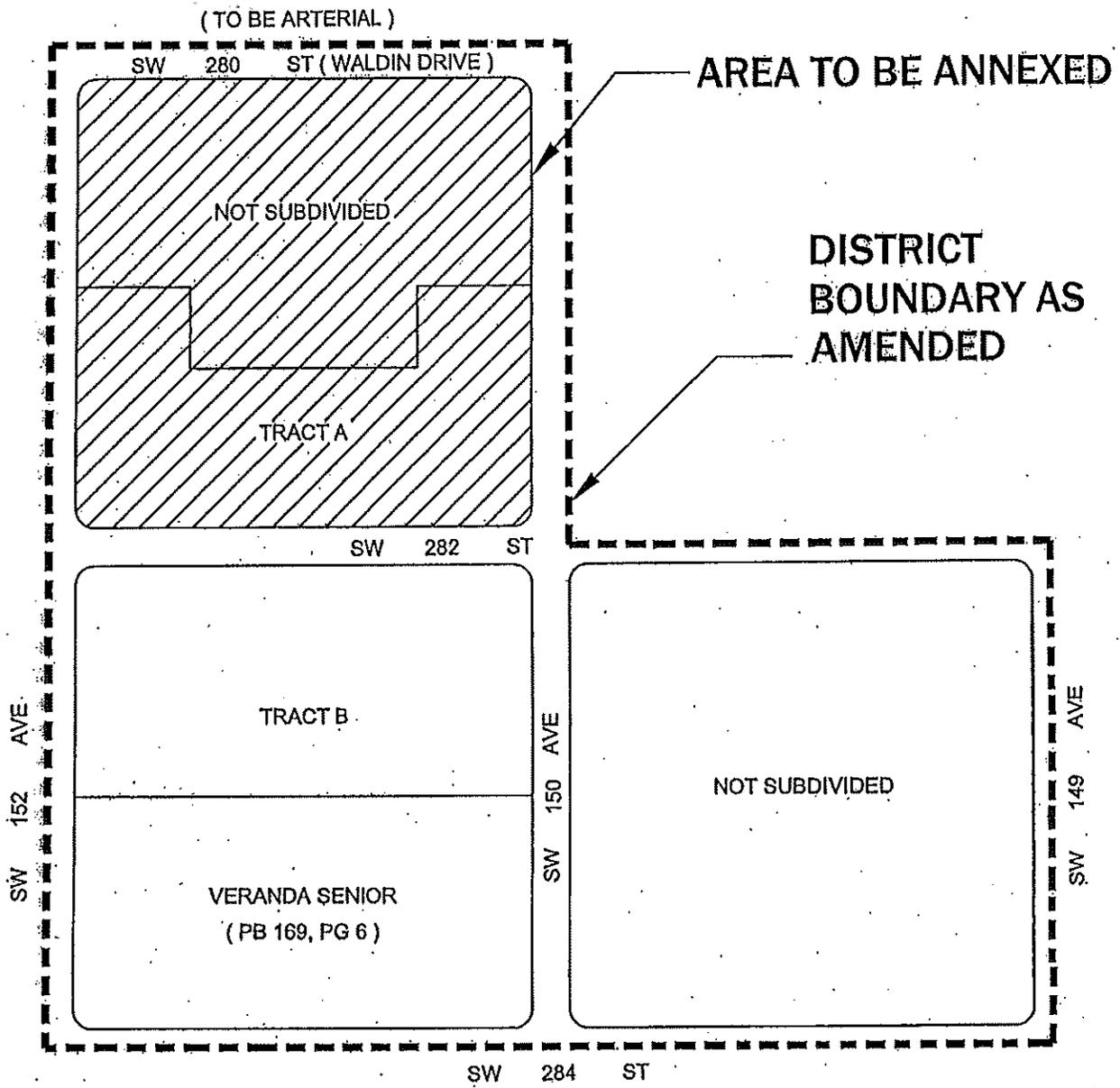
- 1.) CUT BIMONTHLY AS REQUIRED
- 2.) FERTILIZE AND WEED CONTROL AS NEEDED
- 3.) TREAT FOR PESTS/DISEASE AS NEEDED
- 4.) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME

B.) TREES/SHRUBS

- 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
- 2.) REPLACE AS REQUIRED

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASSES A PRIVATE DRIVE COMMUNITY, AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE DORMANT. SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOMEOWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

ANY LANDSCAPE AREAS, SWALES, MEDIANS, AND ALL COMMON AREAS WITHIN THE BOUNDARIES OF THIS SPECIAL TAXING DISTRICT



VERANDA NORTH
 MULTIPURPOSE MAINTENANCE AND STREET LIGHTING
 SPECIAL TAXING DISTRICT



 AREA TO BE ANNEXED



MEMORANDUM

(Revised)

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

DATE: September 4, 2013

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

SUBJECT: Agenda Item No. 5(G)

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

Agenda Item No. 5(G)

Veto _____

9-4-13

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 09-19 RELATING TO VERANDA SUBDIVISION MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT EXPANDING THE DISTRICT'S BOUNDARIES TO INCLUDE CONTIGUOUS PROPERTY TO THE NORTH, IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND PROVIDING AND EFFECTIVE DATE

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and governing body of Miami-Dade County, shall have the power to establish and govern special taxing district within Miami-Dade County, Florida; and

WHEREAS, this Board adopted Ordinance No. 09-19 on April 7, 2009, establishing the VERANDA SUBDIVISION MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition requesting the boundaries expansion of the already established Special Taxing District, duly signed by 100% of the owners of property within the area to be included in the existing district boundaries as amended, was filed with the Clerk of the County Commission; and

WHEREAS, such petition prayed for the provision of multipurpose maintenance and street lighting services within the existing special taxing district boundaries as amended to be

financed solely by means of special assessments levied and collected within the area therein and hereinafter described,

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

Section 1. Sections 2, 3 and 4 of Ordinance No. 09-19 are hereby amended to read as follows:¹

Section 2. The area or boundaries of this ~~[[proposed]]~~ special taxing district ~~[[are]]~~ >>as amended is<< as follows:

A portion of the South ½ of the NW ¼ of the NE ¼ of Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida, ~~[[a.k.a. Veranda Subdivision, Tentative Plat #T-23002]]~~ being more particularly described as follows;

Parcel I

The SW ¼ of the NW ¼ of the NE ¼ of said Section 4, Township 57 South, Range 39 East, less the West 35.00 Feet, and less the north 25.00 feet, and less the south 25.00 feet for road right-of-way.

AND

PARCELII

The SE ¼ of the NW ¼ of the NE ¼ of said Section 4, Township 57 South, Range 39 East, less the South 25.00 feet road right-of-way.

>>AND<<

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double Arrow<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>The NW ¼ of the NW ¼ of the NE ¼ of said Section 4, less the North 40.00 feet, less the West 35.00 Feet, less the East 25.00 feet, and less the South 25.00 feet for road right-of-way.<<

The area and location of this amended special taxing district are shown on the map or sketch, which is made a part hereof by reference.

Section 3. The service to be provided within this ~~[[proposed]]~~ special taxing district will initially consist of the following:

- a) Maintenance of landscaped areas and swales >>and common areas<< within the District boundaries ~~[[and common area within Traets A,B,C, and D and]]~~ should any homeowners association or CDD fail to provide
- b) Installation, operation and maintenance of ~~[[thirty-three]]~~ >>sixty-four<< ~~[[33]]~~ >>(64)<< 16,000 lumen sodium vapor traditional post-top streetlights mounted on ~~[[fiber glass poles]]~~ >>fiberglass poles<<.

Section 4. A) Multipurpose Maintenance - The combined costs of the multipurpose maintenance project and operation of the district's improvements including services, engineering, administration, billing, collecting and processing for the first year is provided by petitioner, and ~~[[\$154,890]]~~ >>\$311,280<< for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district for the initial multipurpose maintenance program shall be provided by petitioners

for the first year, and ~~[[\$0.2137]]~~ >>\$0.2964<< for the second year.

The second and succeeding year's assessments will be adjusted from actual experience.

B) Street Lighting Services – The installation of such street lighting project will be accomplished pursuant to an agreement between Miami-Dade County and the Florida Power & Light Company. The combined costs of the street lighting project and operation of the district's improvements including service, maintenance, electricity, engineering, administration, billing, collection and processing for the first year are provided by petitioner and estimated to be ~~[[\$27,130]]~~ >>\$47,724<<. The combined costs of street lighting project and operation of the district's improvements including service, maintenance, electricity, engineering, administration, billing, collection and processing for the second year are estimated to be ~~[[\$8,340]]~~ >>\$20,499<<. The estimated cost per assessable front foot of real property within the proposed district for the second year is ~~[[\$2.440]]~~ >>\$3.020<<. The succeeding years' assessments will be adjusted from actual experience.

Section 2. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 3. The provisions of this Ordinance shall take effect, 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:



Jorge Martinez-Esteve