

# Memorandum



**Date:** (Public Hearing 10-22-13)  
September 17, 2013

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Amended Plat of Sleepy Hollow Multipurpose Maintenance  
Special Taxing District

Agenda Item No. 5(D)

## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Miami-Dade County Code for creation of the Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District. The creation of this District is pursuant to Public Works and Waste Management Department policy.

## Scope

This proposed special taxing district boundary lies within Commissioner Xavier L. Suarez's District 7, and will provide multipurpose maintenance services.

## Fiscal Impact/Funding Source

Creation of this District will result in no economic impact on the County's budget. 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. Such services will be funded by special assessments against benefited property.

The economic impact on the private sector will be a perpetual annual special assessment for the cost of maintenance services to all property owners within the District.

At this time, there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

## 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

Contingent upon BCC approval of this District's creating ordinance, the Miami-Dade County Parks, Recreation and Open Spaces Department and Public Works and Waste Management Department's 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 benefited property, as well as contract monitoring, compliance and enforcement.

Honorable Chairwoman.Rebeca Sosa  
and Members, Board of County Commissioners  
Page 2

<b>Boundary:</b>	On the North, theo. SW 79 Street; On the East, SW 72 Avenue; On the South, SW 80 Street; On the West, theo. SW 72 Court.
<b>Numbers of Parcels:</b>	4 (Tentative plat proposes 4 single-family lots).
<b>Numbers of Owners:</b>	2
<b>Numbers of Owens With Homestead Exemption Signing Petition:</b>	None – The petition was submitted by Cutler Bay Venture, LLC., and Elizabeth Gil, property owners and developers.
<b>Preliminary Public Meeting:</b>	None necessary.
<b>Required Referendum:</b>	The creation of the District will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
<b>Preliminary Assessment Roll:</b>	Submitted on the same agenda as a separate agenda item for consideration and adoption by the BCC and contingent upon the Board's approval of this District's creating ordinance. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of Code.
<b><u>Proposed Service and Improvements</u> Multipurpose Maintenance Services:</b>	The creation of this District is requested to maintain landscaped swales including turf, and any trees, shrubs, and irrigation including utility payments, any entrance features and the exterior of any fencing or walls within the District boundary abutting public Rights-of-Way.
<b>Estimated Initial Billing:</b>	Assessment billed annually as an itemized portion of the Real Property tax bill.
<b><u>Initial Start of Services</u></b>	
October 1 <sup>st</sup> following cessation of maintenance services by the developer.	

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 3

**Method of Apportionment:**

Maintenance Services: Square Footage

**Estimated Annual Total Costs:**

Maintenance Services:

**First Year**

\$6,504.69

**Second Year**

\$1,938.56

**Estimated Annual Rates:**

Maintenance Services:

**First Year**

\$0.0590

**Second Year**

\$0.0176

**Estimated Annual Assessments:**

For A Typical Single-Family Lot:

**First Year**

\$1,675.60

**Second Year**

\$499.84

The annual assessments shown above are representative of costs for a typical single-family lot within this District.

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

Each special taxing district is unique due to its geographical boundary, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide these services is the best and most cost-effective method to achieve this benefit.

In compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works and Waste Management Director and concur with her recommendation that this District be created pursuant to Section 18-22.1 of the Code.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

**REPORT AND RECOMMENDATIONS ON THE  
CREATION OF AMENDED PLAT OF SLEEPY HOLLOW  
MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT  
MIAMI-DADE COUNTY, FLORIDA**

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works and Waste Management Director concerning the creation of Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District.

**1. BOUNDARY OF THIS DISTRICT**

The proposed District is located entirely within a portion of unincorporated Miami-Dade County, and the boundary, as set forth in the petition, is as follows:

A portion of Section 35, Township 54 South, Range 40 East, of Miami-Dade County, Florida, being more particularly described as follows:

The E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 35, less the North 250.80 feet and less the East 35.00 feet and less the South 35.00 feet (a.k.a Sleepy Hollow Amended, Tentative Plat #T-23309).

The boundary is shown on the attached plan entitled Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District and hereinafter referred to as Exhibit A.

**2. LOCATION AND DESCRIPTION OF DISTRICT**

The creation of this District is requested to maintain landscaped swales including turf, and any trees, shrubs, and irrigation including utility payments, any entrance features and the exterior of any fencing or walls within the District boundary abutting public Rights-of-Way. Service will commence at the earliest practicable time following the creation and establishment of the District and will be provided initially by the Miami-Dade County Parks, Recreation and Open Spaces Department using the most effective and efficient means available. Maintenance of any natural preservation area, archeological site, and mitigation area within the District boundary will commence upon notice from the Department of Regulatory and Economic Resources that the developer has complied with any and all maintenance requirements imposed by the Department of Regulatory and Economic Resources. Other maintenance services may be provided in the future as specified in the District's ordinance and amendments thereto. The areas to be maintained are shown on the attached Exhibit A.

**3. ESTIMATED COST FOR THIS DISTRICT**

The proposed District is to be created to provide maintenance as described in Item 2 above. Any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by Miami-Dade County as administrator. The deletion of services is subject to maintaining a minimum level of services as determined by the Miami-Dade County Public Works and Waste Management Department. The expense of the landscape maintenance program will be continuous. However, because cost and/or level of maintenance may increase, the estimated annual expense, as indicated herein, can only be based on the initial maintenance program. The cost of the maintenance program will therefore require adjustment annually through the budget process performed by the Parks, Recreation and Open Spaces Department or the Public Works and Waste Management Department as administrator of the District.

The County may elect, due to the location and type of maintenance required, to provide landscape maintenance services utilizing an open contract for swale maintenance when significant service cost savings can be realized.

A cost estimate developed by the Public Works and Waste Management Department, based on estimates previously provided by the Parks, Recreation and Open Spaces Department for similar maintenance taxing districts, indicates the annual cost for the initial maintenance program to be \$1,413.54 for the first and second years. In addition to that cost, it will be necessary for the County to recover the administrative, processing, billing, and advertising costs incurred in establishing and maintaining the District as provided by Chapter 18 of the Code, as well as provide for contingency and discount costs. This cost is estimated to be \$5,091.15 the first year and \$525.02 the second year. An annual meeting will be conducted with the owners of real property within the District as an integral part of the annual budget process. This will enable Miami-Dade County, as administrator, to secure suggestions from affected community representatives or association to improve delivery and lower costs of the services provided within the scope of the District's authorized functions as specified in Item 2 above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of assessment for any changes.

Miami-Dade County shall determine the minimum service level (property owners may not delete maintenance altogether).

**ESTIMATED ANNUAL COSTS**

	<u>First Year</u>	<u>Second Year</u>
Initial Annual Maintenance Costs	\$1,413.54	\$1,413.54
Administrative, Processing, Billing and Advertising Costs	4,242.71	432.71
Contingency/Discount	<u>848.44</u>	<u>92.31</u>
Total Estimated Costs to District	\$6,504.69	\$1,938.56

The above costs are estimated and will be adjusted annually based on actual experience.

**4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY**

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Regulatory and Economic Resources, a successor to the Department of Planning and Zoning).

**5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT**

The proposed maintenance program is desirable, needed, and in my opinion, provides special benefits to property within the District exceeding the amount of special assessment to be levied upon implementation of the District.

**6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY**

The combined cost of the maintenance program, processing and administrative expenses as shown in Item 3 above is to be paid for by special assessments levied against all benefited properties and is to be apportioned to individual properties within the District on the basis of lot or parcel square footage. The cost per assessable square foot to be assessed for this service is estimated as follows:

	<u>First Year</u>	<u>Second Year</u>
Estimated Total District Costs	\$6,504.69	\$1,938.56
Estimated Total Assessable Property Square Footage	110,238	110,238
Estimated Cost Per Square Foot of Assessable Property	\$0.0590	\$0.0176
<b><u>SAMPLE ASSESSMENTS</u></b>	<b><u>First Year</u></b>	<b><u>Second Year</u></b>
Per Year For A Typical Single-Family Lot:	\$1,675.60	\$499.84

The annual assessments shown above are representative of costs for a typical single-family lot within this District. These costs are based on the above estimated total assessable property square footage and will be adjusted from actual experience.

**7. RECOMMENDATION**

I recommend that Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District be created pursuant to Section 18-22.1 of the Code, as 100 percent of the property owners have signed the petition and no referendum is required. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District. Pursuant to Chapter 18 of the Code, the BCC shall receive and hear, at a public hearing, remarks by interested persons on this District, and thereafter may adopt such ordinance. Following adoption of the creating ordinance, the BCC shall adopt the District's assessment roll to fund these services. Adoption of an assessment roll resolution will enable the Miami-Dade County Tax Collector to collect the funds necessary to administer the district, reimburse affected County Agencies involved in the creation and establishment of this District, as well as operate and maintain this District. In the event actual costs are lower than the costs estimated, the Director of the Public Works and Waste Management Department or her designee shall adjust and decrease the square foot rate of assessment. In the event actual second year costs are higher than the costs estimated, the County Mayor or County Mayor's designee may, at his discretion, cause to be prepared a revised preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt the revised assessment roll. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Mayor or his designee forward this report to the BCC after he has reviewed it and concurred with our findings.

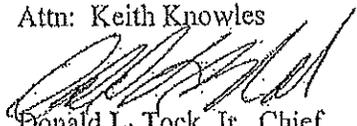
- Attachments: (1) Copy of Petition and Attachments  
 (2) Copy of Memo from Department of Regulatory and Economic Resources  
 (3) District Boundary Map (Exhibit A)

# Memorandum



**Date:** June 26, 2013

**To:** Christopher Agrippa, Division Chief  
Office of the Clerk of the Board  
Attn: Keith Knowles

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

**Subject:** Amended Plat of Sleepy Hollow Multipurpose Maintenance Special Taxing District  
( f.k.a. Sleepy Hollow Amended Multipurpose Maintenance Special Taxing District )

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In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 of the Miami-Dade County Code, this Department has verified the attached names 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 signators are owners and/or individuals signing in their official capacity as representatives 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>4</u>
2.	Total number of owners of property within district boundaries	<u>2</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>2</u>
5.	Total number of owners or representatives signing the petition in an official capacity	<u>2</u>
6.	Percentage of owners or representatives signing the petition in their official capacity	<u>100%</u>

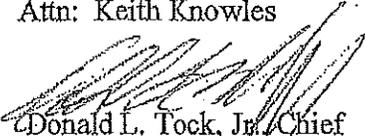
Pursuant to Section 18-22.1 of the Code, this is a valid petition.

# Memorandum



**Date:** December 4, 2012

**To:** Christopher Agrippa, Division Chief  
Office of the Clerk of the Board  
Attn: Keith Knowles

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

**Subject:** Sleepy Hollow Amended Multipurpose Maintenance /  
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 of the Miami-Dade County Code, this Department has verified the attached names 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 signators are owners and/or individuals signing in their official capacity as representatives 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>5</u>    |
| 2. Total number of owners of property within district boundaries                                  | <u>2</u>    |
| 3. Total number of resident owners within district boundaries<br>(this is a new subdivision area) | <u>0</u>    |
| 4. Total number of signatures on the petition   | <u>2</u>    |
| 5. Total number of owners or representatives signing the petition<br>in an official capacity      | <u>2</u>    |
| 6. Percentage of owners or representatives signing the petition<br>in their official capacity     | <u>100%</u> |

Pursuant to Section 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

cc: Jorge Martinez-Esteve

**MIAMI-DADE COUNTY ATTORNEY'S OFFICE**  
**MEMORANDUM**

TO: Don Tock  
Chief, Special Taxing Districts

FROM: Jorge Martinez-Esteve   
Assistant County Attorney

DATE: December 11, 2012

SUBJECT: Sleepy Hollow Amended Multipurpose Maintenance  
Special Taxing District

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Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient for the 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: November 6, 2012

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 owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: 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 petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) SLEEPY HOLLOW AMENDED (T-23309)

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 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 PLOT NUMBER
Cutler Bay Venture LLC	305 Alcazar Ave. Suite 3		30-4035-053-0010
X <i>LOIS MACHADO</i> <i>MANAGER</i>	Coral Gables, Fl. 33134		30-4035-053-0030
			30-4035-053-0040
		MORE FULLY	
		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT A"	

PLACE NOTARY STATEMENT AND STAMP HERE:

STATE OF FLORIDA )  
 ) SS.  
COUNTY OF MIAMI-DADE)

THE FOREGOING INSTRUMENT was acknowledged before me this 15th day November, 2012, by Luis Machado, as Manager of CUTLER BAY VENTURE, LLC., a Florida Limited Liability Company who is () personally known to me and not take an oath, or () produce identification in the form of \_\_\_\_\_



**P. Rodriguez**  
COMMISSION # EE 190055  
EXPIRES: APR. 17, 2016  
WWW.AARONNOTARY.COM

*[Signature]*

Notary Public, State of Florida  
My Commission expires APR. 17, 2016



DEPARTMENTAL ACCEPTANCE DATE  
(GOVERNMENT USE ONLY)

## EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT

KNOWN AS SLEEPY HOLLOW AMENDED (T-23309)

DATED November 15, 2012 FOR THE CREATION OF  
SPECIAL TAXING DISTRICT(S).

### LEGAL DESCRIPTION:

The East 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 less the North 253.50 feet and the East 35.00 feet and the South 35.00 feet in Section 35, Township 54 South, Range 40 East, in the Public Records of Miami-Dade County, Florida.

### ALSO KNOWN AS: AS TO PARCEL 1:

Lots 1, 3 and 4, Block 1 of "SLEEPY HOLLOW" according to the plat thereof, in Plat Book 168, Page 15, in Section 35, Township 54 South, Range 40 East, of the Public Records of Miami-Dade County, Florida.

### AS TO PARCEL 2:

Lot 2, Block 1 of "SLEEPY HOLLOW" according to the plat thereof, in Plat Book 168, Page 15, in Section 35, Township 54 South, Range 40 East, of the Public Records of Miami-Dade County, Florida.

### AND

That portion of SW 79th Terrace Public Right of Way as shown on the Plat of "SLEEPY HOLLOW", according to the Plat thereof, as recorded in Plat Book 168, at Page 15 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the point of intersection of the West Right of Way Line of SW 72nd Avenue and the centerline of SW 79th Terrace as shown on said Plat of "SLEEPY HOLLOW"; thence S02°05'33"E along said West Right of Way Line of SW 72nd Avenue for 50.42 feet to a Point of Cusp; said point being on a circular curve to the left, concave to the Southwest; thence Northwesterly, Westerly and Southwesterly along the arc of said curve, having for its elements a radius of 25.00 feet, a central angle of 90°56'18" for an arc distance of 39.68 feet to a Point of Tangency; thence S86°58'09"W for 114.18 feet to a Point of Curvature of a circular curve to the left, concave to the Southeast; thence

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Departmental Acceptance Date  
(Government Use Only)

Southwesterly along the arc of said curve, having for its elements a radius of 25.00 feet, a central angle of  $48^{\circ}11'23''$ , for an arc distance of 21.03 feet to a Point of Reverse Curvature of a circular curve to the right, concave to the East; thence Southwesterly, Westerly, Northerly, Northeasterly, Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 50.00 feet, a central angle of  $276^{\circ}22'46''$  for an arc distance of 241.19 feet to a Point of Reverse Curvature of a circular curve to the left, concave to the Northeast; thence Southeasterly along the arc of said curve, having for its elements a radius of 25.00 feet, a central angle of  $48^{\circ}11'23''$  for an arc distance of 21.03 feet to a Point of Tangency; thence  $N86^{\circ}58'09''E$  for 115.82 feet to a Point of Curvature of a circular curve to the left, concave to the Northwest; thence Northeasterly and Northerly along the arc of said curve, having for its elements a radius of 25.00 feet, a central angle of  $89^{\circ}03'42''$  for an arc distance of 38.86 feet to a Point of Cusp, said point also being on the West Right of Way Line of SW 72nd Avenue; thence  $S02^{\circ}05'33''E$  along said West Right of Way Line of SW 72nd Avenue for 49.60 feet to the Point of Beginning.

FOLIO No.: 30-4035-053-0010 (LOT 1)  
FOLIO No.: 30-4035-053-0020 (LOT 2)  
FOLIO No.: 30-4035-053-0030 (LOT 3)  
FOLIO No.: 30-4035-053-0040 (LOT 4)

**EXHIBIT B**

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS SLEEPY HOLLOW AMENDED  
 DATED November 15, 2012, FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR  
 MULTIPURPOSE MAINTENANCE.

AREAS TO BE MAINTAINED:

- DECORATIVE WALL ALONG SW 80<sup>th</sup> STREET
- LANDSCAPING ALONG SW 80<sup>th</sup> STREET

MAINTENANCE SCHEDULE:

- a) LAWN / GRASS
  1. CUT BIMONTHLY AS REQUIRED
  2. FERTILIZE AND WEED CONTROL AS NEEDED
  3. TREAT FOR PESTS / DISEASES 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
- c) WALL MAINTENANCE
  1. MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND FENCE AND THE REMOVAL OF THE GRAFFITI AS NEEDED

**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 HOME-OWNER'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:

- INGRESS/EGRESS EASEMENT



## MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director  
Public Works Department

Date: January 15, 2002

From: *Diane O'Quinn Williams*  
Diane O'Quinn Williams, Director  
Department of Planning and Zoning

Subject: Street Lighting, Maintenance of  
Landscape, Walls Adjacent to  
Double-Frontage Lots and Lakes  
Special Taxing Districts

Section: As Required  
District: As Required  
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A - Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS

THEO. SW 72 COURT

THEO. SW 79 STREET

DISTRICT  
BOUNDARY

LOT 2

LOT 1

LOT 3

LOT 4

SW 72 AVENUE



SW 80 STREET

# AMENDED PLAT OF SLEEPY HOLLOW

MULTIPURPOSE MAINTENANCE  
SPECIAL TAXING DISTRICT

 DENOTES AREAS TO BE MAINTAINED. SEE ATTACHED SHEET FOR SERVICE DESCRIPTION AND LOCATIONS.

M-530 (COMM. 0007)  
SECTION: 35 - 54 - 40

EXHIBIT "A"

ATTACHMENT TO EXHIBIT "A"

AMENDED PLAT OF SLEEPY HOLLOW MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:

DECORATIVE WALL AND LANDSCAPING ALONG S.W. 80<sup>TH</sup> STREET.

MAINTENANCE SCHEDULE:

A) LAWN/GRASS

- 1) CUT BIMONTHLY AS REQUIRED
- 2) FERTILIZE AND WEED CONTROL AS NEEDED
- 3) TREAT FOR PESTS/DISEASES 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.

WALL MAINTENANCE

- C) 1) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE WALL AND FENCE AND THE REMOVAL OF GRAFFITTI, AS NEEDED.



**MEMORANDUM**  
(Revised)

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

**DATE:** October 22, 2013

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

**SUBJECT:** Agenda Item No. 5(D)

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(D)  
10-22-13

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS AMENDED PLAT OF SLEEPY HOLLOW MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

**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 the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape improvement and maintenance programs, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

**WHEREAS**, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefore; and

**WHEREAS**, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the AMENDED PLAT OF SLEEPY HOLLOW MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing maintenance of landscaped swales, and the exterior faces of any walls or fences adjacent to public Rights-of-Way located within the public domain, and within the district boundary to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

**WHEREAS**, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Mayor or County Mayor's designee who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

**WHEREAS**, the County Mayor or County Mayor's designee, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners a written report and recommendations setting forth the boundary of the proposed special taxing district, the location, nature and character of the maintenance programs to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, certification that the proposed district's improvements and/or services conform to the master plan of development for the County, and setting forth recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and multipurpose maintenance programs and/or services, and an estimate of

the amount to be assessed against each square foot of the benefited property within the proposed district, and expressing an opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Mayor or County Mayor's designee attached to such report and recommendations a map or sketch showing the boundary and location of the proposed district. Such "Report and Recommendations" of the County Mayor or County Mayor's designee was filed with the Clerk and transmitted to the Chairperson; and

**WHEREAS**, it appearing to the Board of County Commissioners from such report of the County Mayor or County Mayor's designee and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundary and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owners (developer/petitioner) and the report and recommendations of the County Mayor or County Mayor's designee -- said hearing was held on Tuesday, . Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundary of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

**WHEREAS**, pursuant to said notice, the Board of County Commissioners on Tuesday, , held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

**WHEREAS**, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Mayor or County Mayor's designee and the views

expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Mayor or County Mayor's designee, and the provisions of Chapter 18 of the Miami-Dade County Code,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district to be known and designated as the AMENDED PLAT OF SLEEPY HOLLOW MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County, Florida.

Section 2. The area or boundary of this proposed special taxing district is as follows:

A portion of Section 35, Township 54 South, Range 40 East, of Miami-Dade County, Florida, being more particularly described as follows:

The E ½ of the SE ¼ of the SE ¼ of the NW ¼ of said Section 35, less the North 250.80 feet and less the East 35.00 feet and less the South 35.00 feet (a.k.a Sleepy Hollow Amended, Tentative Plat #T-23309).

The area and location of this proposed 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:

Maintenance of landscaped swales including turf, and any trees, shrubs, and irrigation including utility payments, any entrance features and the exterior of any fencing or walls within the District boundary abutting public Rights-of-Way.

Section 4. The estimated cost to the property owners for the maintenance and operation of the district's improvements and/or services including engineering, administration,

billing, collecting and processing for the first year is \$6,504.69, and \$1,938.56 for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district is \$0.0590 for the first year, and \$0.0176 for the second year. The second and succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. Miami-Dade County, as administrator of this district's maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Mayor or County Mayor's designee's report which is made a part hereof by reference. If there is a proposed significant change to the level of services to be provided, the Parks, Recreation and Open Spaces Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of services.

Section 7. The County Mayor or County Mayor's designee is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the district in accordance with the provisions of this Ordinance.

Section 8. The County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad

valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

Section 9. 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 10. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Jorge Martinez-Esteve