

MEMORANDUM

Agenda Item No. 7(M)

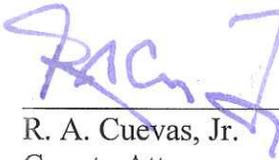
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 7-1-14)
March 4, 2014

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

SUBJECT: Ordinance changing the boundaries of the City of Sweetwater, Florida and the City of Doral, Florida pursuant to Section 6.04(B) the Miami-Dade County Home Rule Charter to separate certain property from the City of Sweetwater and annex such property to the City of Doral

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor the Board of County Commissioners.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum



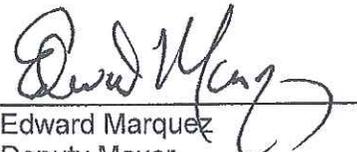
Date: July 1, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance changing the boundaries of the City of Sweetwater, Florida and the City of Doral, Florida pursuant to Section 6.04(b) of the Miami-Dade County Home Rule Charter to separate certain property from the City of Sweetwater and annex such property to the City of Doral; amending the charters of the respective cities accordingly

The proposed ordinance changes the boundaries of the City of Sweetwater, Florida and the City of Doral, Florida pursuant to Section 6.04(b) of the Miami-Dade County Home Rule Charter by separating certain property from the City of Sweetwater and annexing such property to the City of Doral. This item also amends their respective charters to reflect the boundary changes. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis5614



MEMORANDUM

(Revised)

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

DATE: July 1, 2014

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

SUBJECT: Agenda Item No. 7(M)

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. 7(M)
7-1-14

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, FLORIDA AND THE CITY OF DORAL, FLORIDA PURSUANT TO SECTION 6.04(B) OF THE MIAMI-DADE COUNTY HOME RULE CHARTER TO SEPARATE CERTAIN PROPERTY FROM THE CITY OF SWEETWATER AND ANNEX SUCH PROPERTY TO THE CITY OF DORAL; AMENDING THE CHARTERS OF THE RESPECTIVE CITIES ACCORDINGLY; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. The municipal boundaries of the City of Sweetwater are hereby changed and reduced by the separation of the following property and the municipal boundaries of the City of Doral are hereby changed and enlarged by the annexation of the following property:

**Separation from the City of Sweetwater
Annexation to the City of Doral**

Legal Description

BEGIN at the Northeast Corner of Section 31, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence S01 '43'22" E along the East Line of the Northeast One-Quarter of said Section 31 for 95.03 feet to a point on a line parallel with and 95.00 feet South of the North Line of the Northeast One-Quarter of said Section 31; thence S89'37'00"W along said line parallel with and 95.00 feet South of the North Line of the Northeast One-Quarter of said Section 31 for 2,635.56 feet to a point on the East Line of the Northwest One-Quarter of said Section 31; thence S89'37'28"W along a line parallel with and 95.00 feet South of the North Line of the Northwest One-Quarter of said Section 31 for 2,635.51 feet to a point on the West Line of the Northwest One-Quarter of said Section 31; thence N01'44'1 O"W along said West Line of the Northwest One-Quarter of said Section 31 for 95.03 feet to the Northwest Corner of said Section 31; thence N89'37'28"E along the North Line of the Northwest One-Quarter of said Section 31 for 2,635.53 feet to the North One-Quarter Corner of said Section 31; thence N89'37'00"E

along the North Line of the Northeast One- Quarter of said Section 31 for 2,635.57 feet to the Northeast Corner of said Section 31; said point also being the Point of Beginning.

encompassing an area described by Resolution No. 3708 passed and adopted by the City Commission of the City of Sweetwater authorizing the separation of such property and Resolution No. 12-94 passed and adopted by the City Commission of the City of Doral authorizing the annexation of such property, which resolutions are attached hereto as Attachment A and Attachment B respectively and made a part hereof by reference. A map depicting the areas area separated from the City of Sweetwater and annexed to the City of Doral is attached hereto as Attachment C and made a part hereof by reference. In the event of any inconsistency between the boundaries of the area as described by the legal description and the map identified as Attachment C, the boundaries of the area described by the legal description shall prevail.

Section 2. The charters of the City of Sweetwater and the City of Doral are hereby amended to reflect the boundary changes approved in Section 1 of this ordinance.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

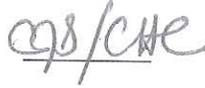
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks
Craig H. Collier

Prime Sponsor Board of County Commissioners

RESOLUTION NO. 3708

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, EXPRESSING A DESIRE TO MODIFY THE CITY'S BOUNDARY SO AS TO UN-INCORPORATE LANDS LEGALLY DESCRIBED AS THE NORTHERN MOST 95 FEET OF SECTION 31, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, AS MORE FULLY DESCRIBED IN EXHIBIT "A" HERETO; DIRECTING CITY STAFF TO TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH THE UN-INCORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the boundaries between municipalities in Miami-Dade County typically occur on Section lines, which typically fall within the centerline of Section Line Roadways; and

WHEREAS, the southernmost boundary of Section 30, Township 53 South, Range 40 East, demarcates the southern boundary between the City of Sweetwater and the City of Doral between NW 117th Avenue and NW 107th Avenue, and

WHEREAS, the aforementioned boundary falls just north of NW 25th Street, as Section line Roadway, and

WHEREAS, to limit confusion between the City of Doral's and the City of Sweetwater's municipal boundaries, both the City of Doral and the City of Sweetwater's common boundary should be revised to fall within the centerline of NW 25th Street between NW 117th Avenue and NW 107th Avenue; and

WHEREAS, in order to adjust the common municipal boundary between the City of Doral and the City of Sweetwater, the northern most 95 feet of Section 31, Township 53 Range 40, as described in Exhibit "A", which currently lies within the City of Sweetwater, should be un-incorporated from the City of Sweetwater and annexed to the City of Doral; and

7 *CS*
09/14/12
CERTIFIED TRUE COPY

WHEREAS, all lands within the adjustment area consist of Miami-Dade County Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, as follows:

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

Section 2. The City Commission hereby expresses its desire to unincorporate the area legally described as the northern most 95 feet of Section 31, Township 53 South, Range 40 East, as described in Exhibit "A", which currently lies in the City of Sweetwater, Florida. The City Commission further directs City staff to file any applications and take such other actions as are reasonably necessary to accomplish the un-incorporation.

Section 3. The City Commission supports the City of Doral in its efforts to annex the area legally described as the northern most 95 feet of Section 31, Township 53 South, Range 40 East, as described in Exhibit "A".

Section 4. This resolution shall become effective immediately upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by Charter of the City of Sweetwater.

PASSED AND ADOPTED this 21 day of August, 2012.


MANUEL L. MARONO, MAYOR



Res# 3708



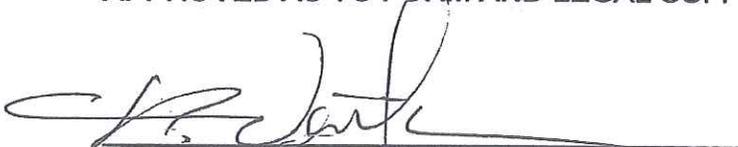
JOSE M. DIAZ, COMMISSION PRESIDENT

-ATTEST:



MARIE O. SCHIMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

- JOSE M. DIAZ, COMMISSION PRESIDENT
- JOSE BERGOUIGNAN, JR., COMMISSION VICE PRESIDENT
- PRISCA BARRETO, COMMISSIONER
- MANUEL DUASSO, COMMISSIONER
- JOSE M. GUERRA, COMMISSIONER
- ORLANDO LOPEZ, COMMISSIONER
- ISOLINA MAROÑO, COMMISSIONER

yes
 yes
 yes
 yes
 yes
 yes
 yes



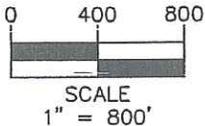
Res #3708

9



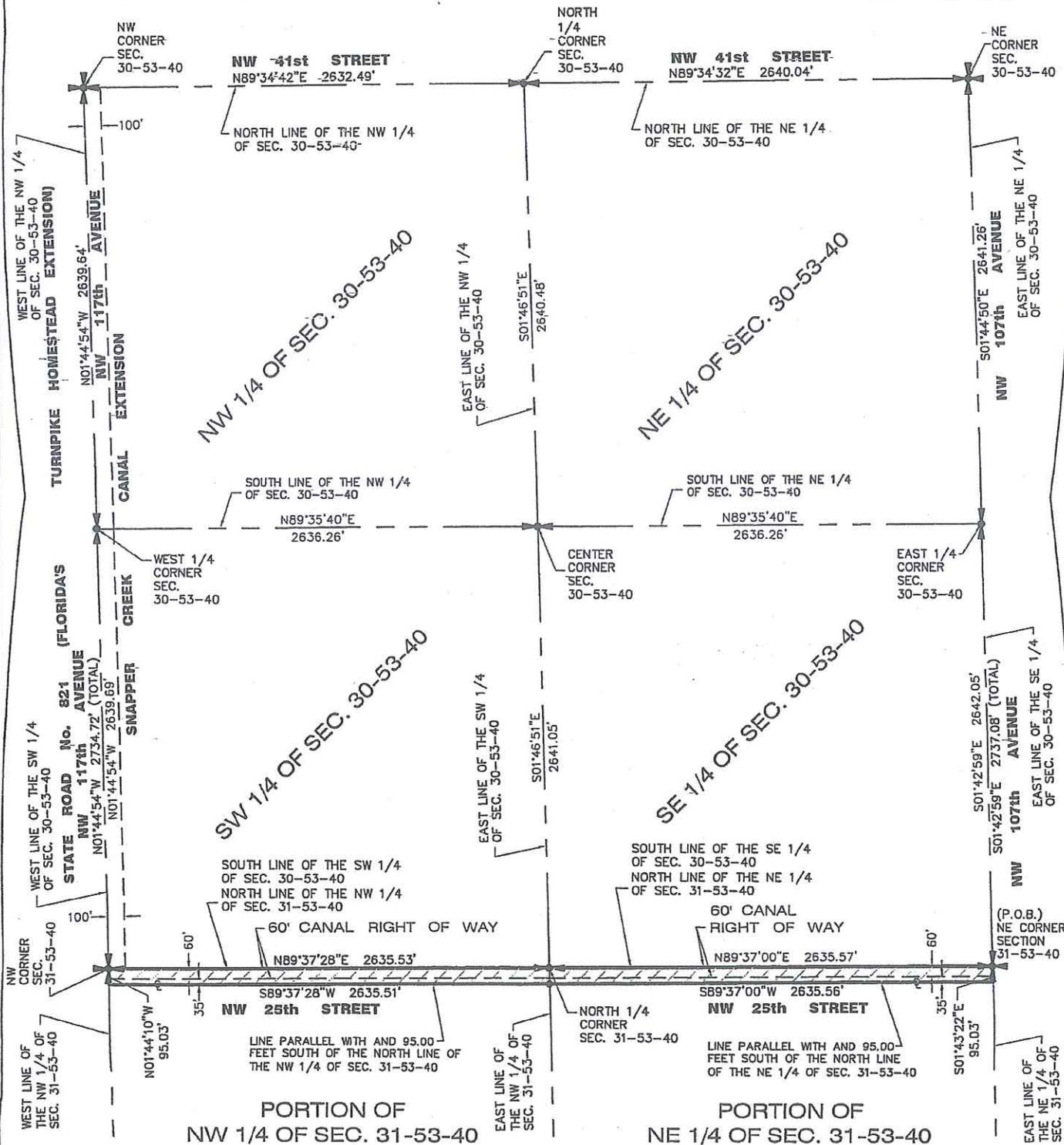
EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
THE CITY OF DORAL



LEGEND

- | | |
|---------------------------|-----------------------|
| P.C. = POINT OF CURVATURE | R.O.W. = RIGHT OF WAY |
| P.T. = POINT OF TANGENCY | R = RADIUS |
| P.B. = PLAT BOOK | Δ = CENTRAL ANGLE |
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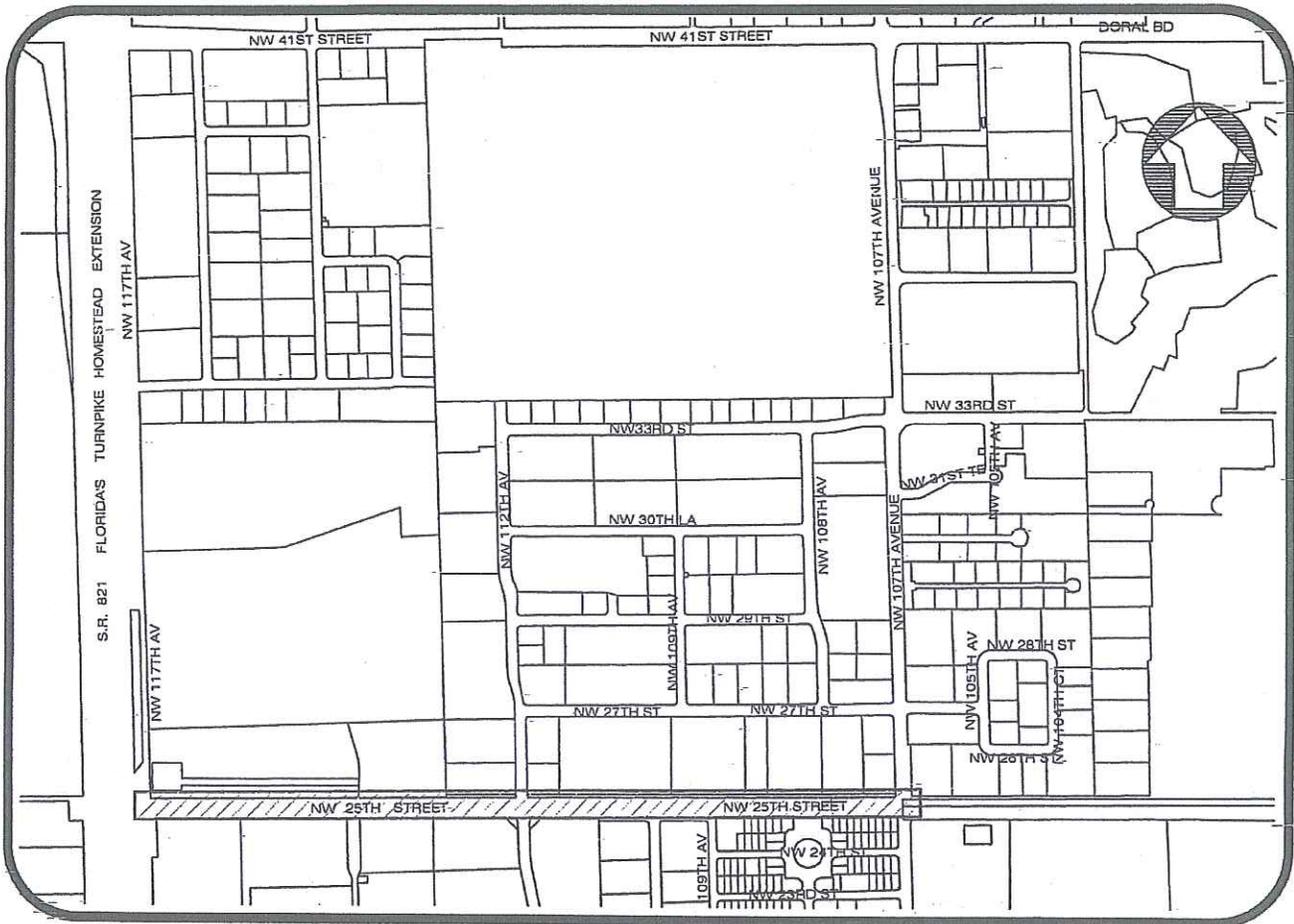
NOTICE: Not full and complete without all pages. Total of Three (3) Pages

No. 11310
Page 1 of 3

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
THE CITY OF DORAL

SECTION 31 - TOWNSHIP 53 SOUTH - RANGE 40 EAST



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A portion of land in Section 31, Township 53-South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northeast Corner of Section 31, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence S01°43'22" E along the East Line of the Northeast One-Quarter of said Section 31 for 95.03 feet to a point on a line parallel with and 95.00 feet South of the North Line of the Northeast One-Quarter of said Section 31; thence S89°37'00"W along said line parallel with and 95.00 feet South of the North Line of the Northeast One-Quarter of said Section 31 for 2,635.56 feet to a point on the East Line of the Northwest One-Quarter of said Section 31; thence S89°37'28"W along a line parallel with and 95.00 feet South of the North Line of the Northwest One-Quarter of said Section 31 for 2,635.51 feet to a point on the West Line of the Northwest One-Quarter of said Section 31; thence N01°44'10"W along said West Line of the Northwest One-Quarter of said Section 31 for 95.03 feet to the Northwest Corner of said Section 31; thence N89°37'28"E along the North Line of the Northwest One-Quarter of said Section 31 for 2,635.53 feet to the North One-Quarter Corner of said Section 31; thence N89°37'00"E along the North Line of the Northeast One-Quarter of said Section 31 for 2,635.57 feet to the Northeast Corner of said Section 31; said point also being the Point of Beginning.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
THE CITY OF DORAL

SOURCES OF DATA:

The Legal Description of the Subject Property was generated from the review of the following Plats:
Plat of "COTO'S SUBDIVISION", recorded in Plat Book 146, Page 26, Miami-Dade County Records.
Plat of "OUR LADY OF MERCY CEMETERY", recorded in Plat Book 93, Page 34, Miami-Dade County Records.
Plat of "BEACON-TRADEPORT - PHASE I", recorded in Plat Book 151, Page 73, Miami-Dade County Records.
Plat of "BEACON TRADEPORT - PHASE II", recorded in Plat Book 154, Page 40, Miami-Dade County Records.
Plat of "BEACON TRADEPORT - PHASE IV", recorded in Plat Book 157, Page 3, Miami-Dade County Records.
Plat of "BEACON TRADEPORT EAST", recorded in Plat Book 158, Page 40, Miami-Dade County Records.
RIGHT OF WAY MAP prepared for the Florida Department of Transportation, State Road No. 821, Section 87005, Contract 2310, Sheets 2, 8 and 9 of a total of 11 Sheets, prepared by W.K. Daugherty, Consulting Engineers, last dated May 25, 1970.
TOWNSHIP MAPS for Sections 30 and 31, Township 53 South, Range 40 East, prepared for Miami-Dade County, Public Works Department, Engineering Division Services.

In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

- Exhibit "A" dated August 8, 2011 depicting the Proposed Annexation Area, prepared by the City of Doral, Planning and Zoning Department.

Bearings as shown hereon are based upon the East Line of the Northeast one-Quarter of Section 31, Township 53 South, Range 40 East, City of Doral, Miami-Dade County, Florida with an assumed bearing of S01°43'22"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plats of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than that is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

INTENDED USE / EXPRESS PURPOSES:

It is understood by the Surveyor that the intended use of this document is to depict an specific area for planning and zoning purposes.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17-05 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: Eduardo M. Suarez Date: 9/7/11

Eduardo M. Suarez, P.S.M.
Professional Surveyor and Mapper LS 6313
State of Florida
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 N.W. 88th Court, Suite 202
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17-05 of the Florida Administrative Code.

NOTICE: Not full and complete without all pages. Total of Three (3) Pages

No. 11310
Page 3 of 3

2:\11310 Section 30-53-40 Doral\cwg\11310.dwg 9/7/2011 2:15:40 PM EDT

RESOLUTION NO. 12- 94

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, EXPRESSING A DESIRE TO MODIFY THE CITY'S BOUNDARY SO AS TO INCORPORATE LANDS LEGALLY DESCRIBED AS EXHIBIT "A" IN SECTION 31, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA; DIRECTING CITY STAFF TO TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH THE ANNEXATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the southernmost boundary of Section 30, Township 53 South, Range 40 East, demarcates the City of Doral's southern municipal boundary between NW 117th Avenue and NW 107th Avenue; and

WHEREAS, the City of Sweetwater abuts the City of Doral at this southern municipal boundary; and

WHEREAS, the aforementioned boundary falls just north of NW 25th Street, a Section line Roadway; and

WHEREAS, Section lines typically fall within the centerline of Section Line Roadways; and

WHEREAS, to limit confusion between the City of Doral's and the City of Sweetwater's municipal boundaries, both the City of Doral and the City of Sweetwater's common boundary should be revised to fall within the centerline of NW 25th Street between NW 117th Avenue and NW 107th Avenue; and

WHEREAS, in order to adjust the common municipal boundary between the City of Doral and the City of Sweetwater, the northern most 95 feet of Section 31, Township 53 Range 40, as described in Exhibit "A", which currently lies within the City of Sweetwater, should be incorporated to the City of Doral; and

WHEREAS, all lands within the adjustment area consist of Miami-Dade County Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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

Section 2. The City Council hereby expresses its desire to annex the area legally described as all of Section 31, Township 53 South, Range 40 East, as described in Exhibit 'A', which currently lies in the City of Sweetwater, Florida. The City Council further directs City staff to file any applications and take such other actions as are reasonably necessary to accomplish the annexation.

Section 3. The City Council supports the City of Sweetwater in its efforts to de-annex the area legally described as all of Section 31, Township 53 South, Range 40 East, as described in Exhibit 'A',

Section 4. This resolution shall take effect immediately upon its adoption.

[Section left blank intentionally]

The foregoing Resolution was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Vice Mayor DiPietro and upon being put to a vote, the vote was as follows:

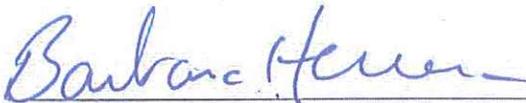
Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 11th day of July 2012.



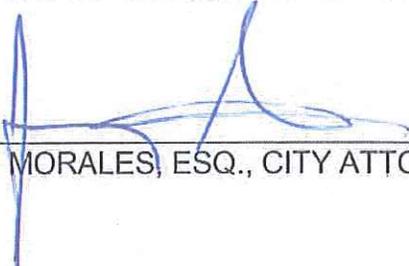
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:

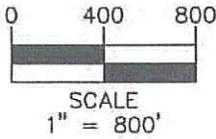


JIMMY MORALES, ESQ., CITY ATTORNEY

EXHIBIT "A"

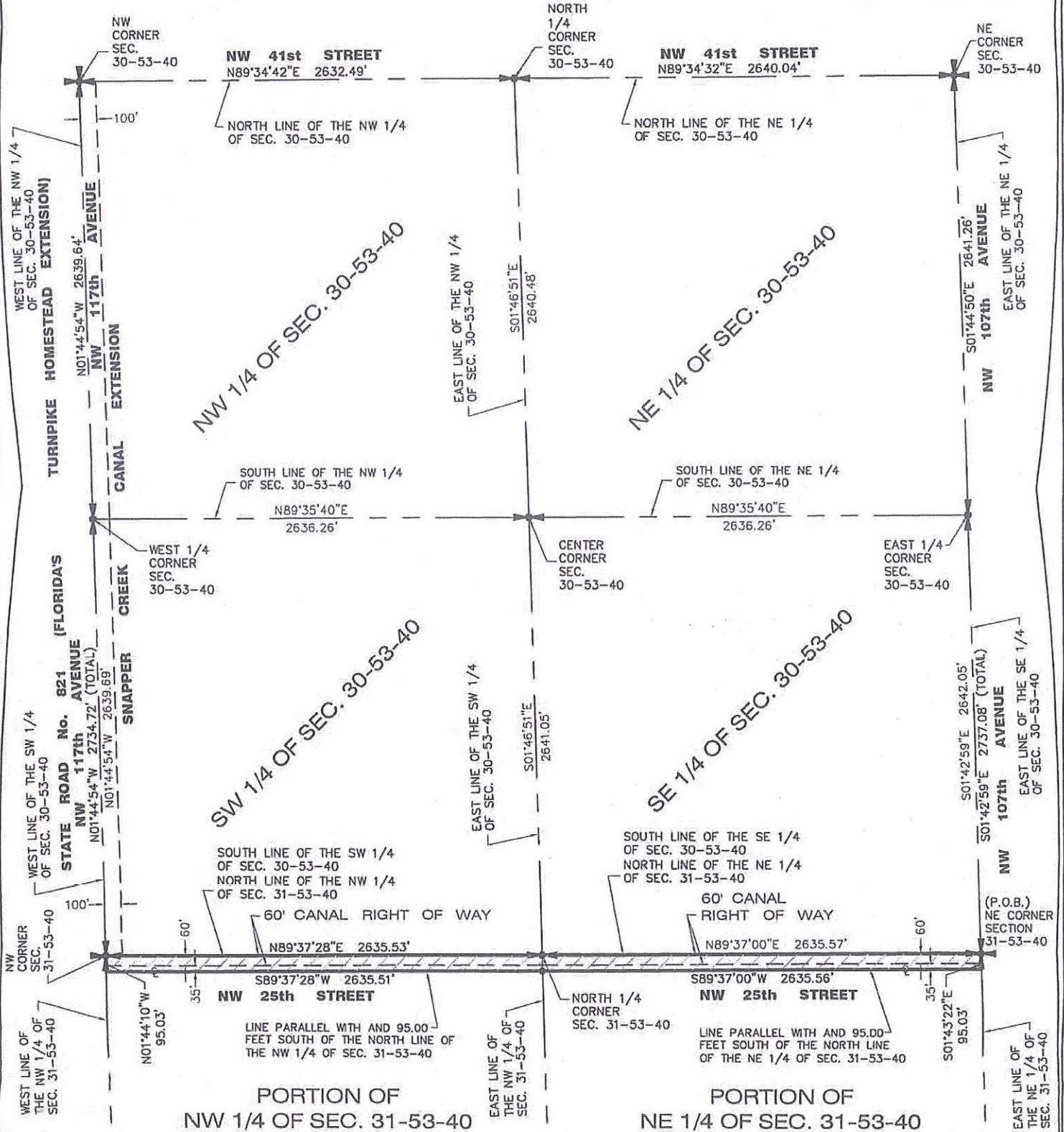
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THE CITY OF DORAL



LEGEND

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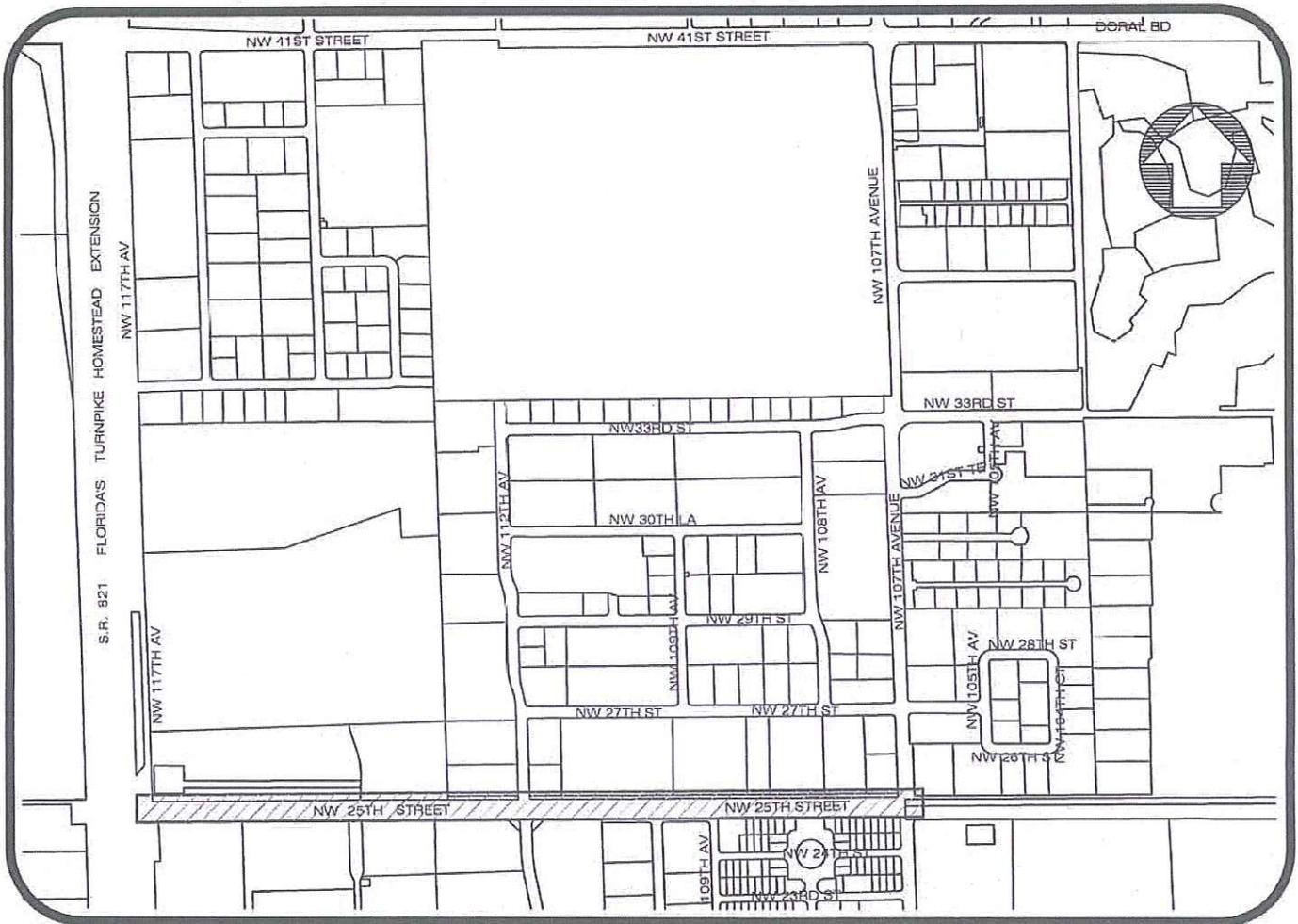


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No. 11310
Page 1 of 3

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for
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SECTION 31 - TOWNSHIP 53 SOUTH - RANGE 40 EAST



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NOT TO SCALE

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No. 11310
Page 2 of 3

Z:\11310 Section 30-53-49 Doral\dwg\11310.dwg 9/7/2011 2:18:40 PM EDT

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THE CITY OF DORAL

SOURCES OF DATA:

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TOWNSHIP MAPS for Sections 30 and 31, Township 53 South, Range 40 East, prepared for Miami-Dade County, Public Works Department, Engineering Division Services.

In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

- Exhibit "A" dated August 8, 2011 depicting the Proposed Annexation Area, prepared by the City of Doral, Planning and Zoning Department.

Bearings as shown hereon are based upon the East Line of the Northeast one-Quarter of Section 31, Township 53 South, Range 40 East, City of Doral, Miami-Dade County, Florida with an assumed bearing of S01'43'22"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plats of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than that is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

INTENDED USE / EXPRESS PURPOSES:

It is understood by the Surveyor that the intended use of this document is to depict an specific area for planning and zoning purposes.

SURVEYOR'S CERTIFICATE:

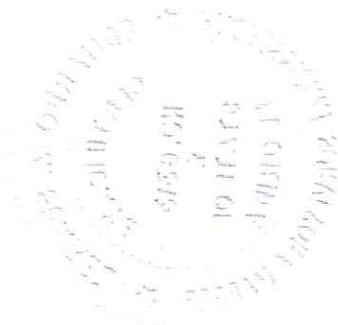
I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17-05 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: Eduardo M. Suarez Date: 9/7/11

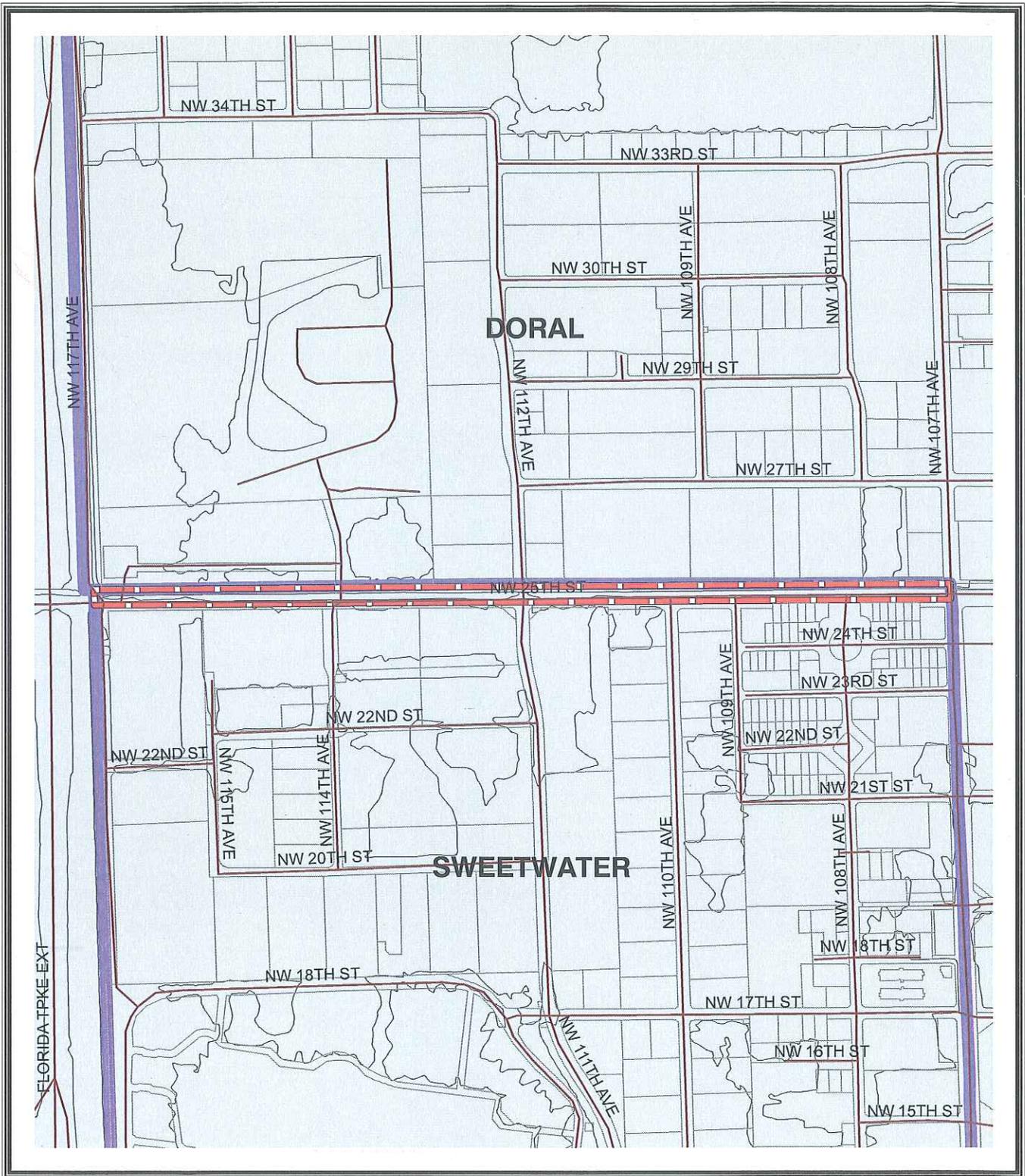
Eduardo M. Suarez, P.S.M.
Professional Surveyor and Mapper LS 6313
State of Florida
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 N.W. 88th Court, Suite 202
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17-05 of the Florida Administrative Code.

RECEIVED
Date: 9.12.11
**Planning & Zoning
Department**

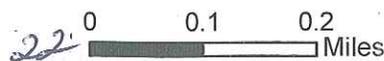


Proposed City of Doral Annexation Area



Legend

-  Proposed Annexation
-  Municipal Boundary
-  100 Year Floodplain
-  Property Boundary
-  Streets



Department of Regulatory and Economic Resources
Development Services Division

ATTACHMENT C