

MEMORANDUM

Agenda Item No. 7(N)

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 Village of El Portal, Florida, and amending the charter of such municipality by providing for the annexation of certain lands, under and pursuant to proceedings prescribed by Section 6.04(B) of the Home Rule Charter

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

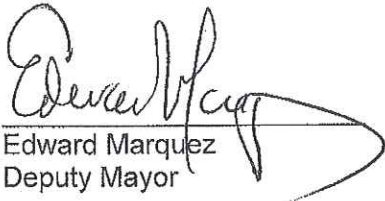
From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Changing the Boundaries of the Village of El Portal, Florida

The proposed ordinance changes the boundaries of the Village of El Portal and amends the charter by providing for the annexation of certain lands, under and pursuant to proceedings prescribed by section 6.04(b) of the Home Rule Charter. If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County would retain all franchise fees and utility tax revenues of the area. For this proposed annexation, an estimated \$1,951 of franchise fees and \$4,036 of utility taxes will be retained by the County.

As part of the Unincorporated Municipal Services Area (UMSA), the area generates approximately \$12,261 in revenues (excluding franchise fees and utility taxes). Approximately \$38,833 of budgeted expenses may be attributed to that area. Should the annexation be approved, the positive impact to the remaining portions of UMSA is estimated at \$26,572.

As part of the budget development process, a determination will be made as to what resources will be allocated to the remainder of UMSA. It is important to note that the services provided to UMSA are provided across all of UMSA and not by sections. Therefore it is unlikely that UMSA will see a significant service improvement as a result of this small annexation.


Edward Marquez
Deputy Mayor

Fis5214



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(N)

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(N)
7-1-14

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE VILLAGE OF EL PORTAL, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING RESPONSIBILITY FOR ANY BOND INDEBTEDNESS; APPROVING AMENDED VOTING PRECINCTS; 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 Village of El Portal are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the Village of El Portal of the following property:

Annexation by the Village of El Portal

Legal Description

A portion of land lying in Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as the South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida.

and,

A portion of land lying in Section 7, Township 53 South, Range 42 East, of Miami-Dade County Florida, more particularly described as

all of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public Records of Miami Dade County; except the East 185 feet.

encompassing an area described by Resolution No. R-2012-022, passed and adopted by the Village Council of the Village of El Portal, which is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexed areas is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation areas as described by the legal description and the map identified as Attachment B, the boundaries of the annexation areas as described by the legal description shall prevail.

Section 2. Pursuant to Section 20-8.1 and 20-8.2 of the Code of Miami-Dade County, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed areas during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues accruing within the annexed areas in the same manner as though the annexed areas remained a part of the unincorporated area of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County, this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed areas in the same manner as though such annexed areas remained part of the unincorporated area of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form

approved by Resolution No. R-1198-95, as may be amended.

Section 4. Pursuant to Section 20-8.8, Code of Miami-Dade County, Miami-Dade County shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board of County Commissioners or a Miami-Dade County Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the Village of El Portal has first approved the modification or deletion.

Section 5. Pursuant to Florida Statute Section 101.001, this Board hereby approves the removal of voting precinct 070.0 and the revised boundaries for voting precincts 159.0, as listed and described in Attachment C, and made a part of this Ordinance. Such precincts may be subsequently altered by further resolution of this Board.

Section 6. This Ordinance shall be effective only if the Village of El Portal executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to be responsible for its pro rata share of any bond indebtedness, pursuant to Sec. 20-8.5 of the Code of Miami-Dade County, Florida.

Section 7. 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 8. 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 9. This ordinance shall become effective: (a) 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. Coller

Prime Sponsor

Board of County Commissioners

RESOLUTION

First reading: July 28, 2012
Adopted:

RESOLUTION NO. 2012-022 ANNEXATION APPLICATION

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, AUTHORIZING THE VILLAGE MANAGER TO SUBMIT NECESSARY DOCUMENTS, AND INITIATING A REQUEST TO CHANGE THE BOUNDARIES OF THE VILLAGE OF EL PORTAL, THROUGH THE VILLAGE OF EL PORTAL ANNEXING PROPERTY LEGALLY DESCRIBED AS ALL OF SECTION 1, TOWNSHIP 53 SOUTH, RANGE 41 EAST, OF MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 1171.8 FEET MORE OR LESS OF THE EAST 605.5 FEET MORE OR LESS OF SAID TRACT 2 OF "AMENDED PLAT A PORTION OF MIAMI SHORES SECTION 6" AS RECORDED IN PLAT BOOK 35 OF PAGE 25 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND SECTION 7, TOWNSHIP 53 SOUTH, RANGE 42 EAST, OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 4 OF "TUTTLES SUBDIVISION" AS RECORDED IN PLAT BOOK B OF PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; EXCEPT THE EAST 185.00 FEET, OF MIAMI DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 5.04 of the Miami Dade County Home Rule Charter and Section 20-3 of the Code of Miami Dade County, the Village of El Portal (the "Village") initiated a proposed boundary change by and through Resolution No. 2012-022 after public hearing on July 28, 2012, upon mailed notice provided to all affected property owners within 600 feet of the proposed boundaries and notice provided by publication; and

WHEREAS, the Village Council conducted a public hearing that was properly noticed in accordance with the requirements of Section 20-3 of the Code of Miami Dade County; and

WHEREAS, the Village Council has determined that the annexation of the areas legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade

County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet is necessary, appropriate, and in the best interests of the Village and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

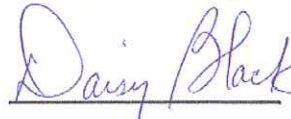
Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Village of El Portal Council hereby approves the extension and enlargement of the Village's boundaries to include the area legally described as Section 1, Township 53 South, Range 41 East, of Miami-Dade County Florida, more particularly described as follows: The South 1171.8 feet more or less of the East 605.5 feet more or less of said Tract 2 of "Amended Plat a Portion of Miami Shores Section 6" as recorded in Plat Book 35 of Page 25 of the Public Records of Miami-Dade County, Florida; and Section 7, Township 53 South, Range 42 East, of Miami-Dade County, Florida, more particularly described as follows: All of lot 4 of "Tuttles Subdivision" as recorded in plat book B of Page 3 of the Public records of Miami-Dade County, Florida; except the East 185.00 feet, and authorizes the initiation of municipal boundary change procedures pursuant to Section 5.04 of the Miami Dade County Home Rule Charter and Chapter 20 of the Code of Miami Dade County


Section 3. The Village Council hereby affirms its request to the Board of County Commissioner of Miami-Dade County, Florida, to adopt an appropriate ordinance approving the request of the Village for the annexation of the lands legally described as Section, 1, Township 53 South, Range 31 East, of Miami Dade County, Florida; and Sections 1, and 12, Township 53 South, Range 41 East, of Miami Dade County; and Section 7, Township 53 South, Range 42 East, of Miami Dade County, Florida

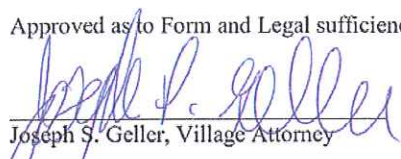
Section 4. This resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 28TH day of JULY, 2012.



Daisy Black, Mayor

ATTEST: 
Carolina Montealegre, Interim Village Clerk

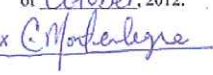
Approved as to Form and Legal sufficiency:

Joseph S. Geller, Village Attorney

Moved by: Councilperson Linda Marcus

Seconded by: Councilperson Omarr Nickerson

Vote:

Mayor Black: (Yes) (No)
Councilperson Cubillos: (Yes) (No) Absent
Councilperson Nickerson: (Yes) (No)
Councilperson Marcus: (Yes) (No)
Councilperson Mathis, Jr.: (Yes) (No) Absent

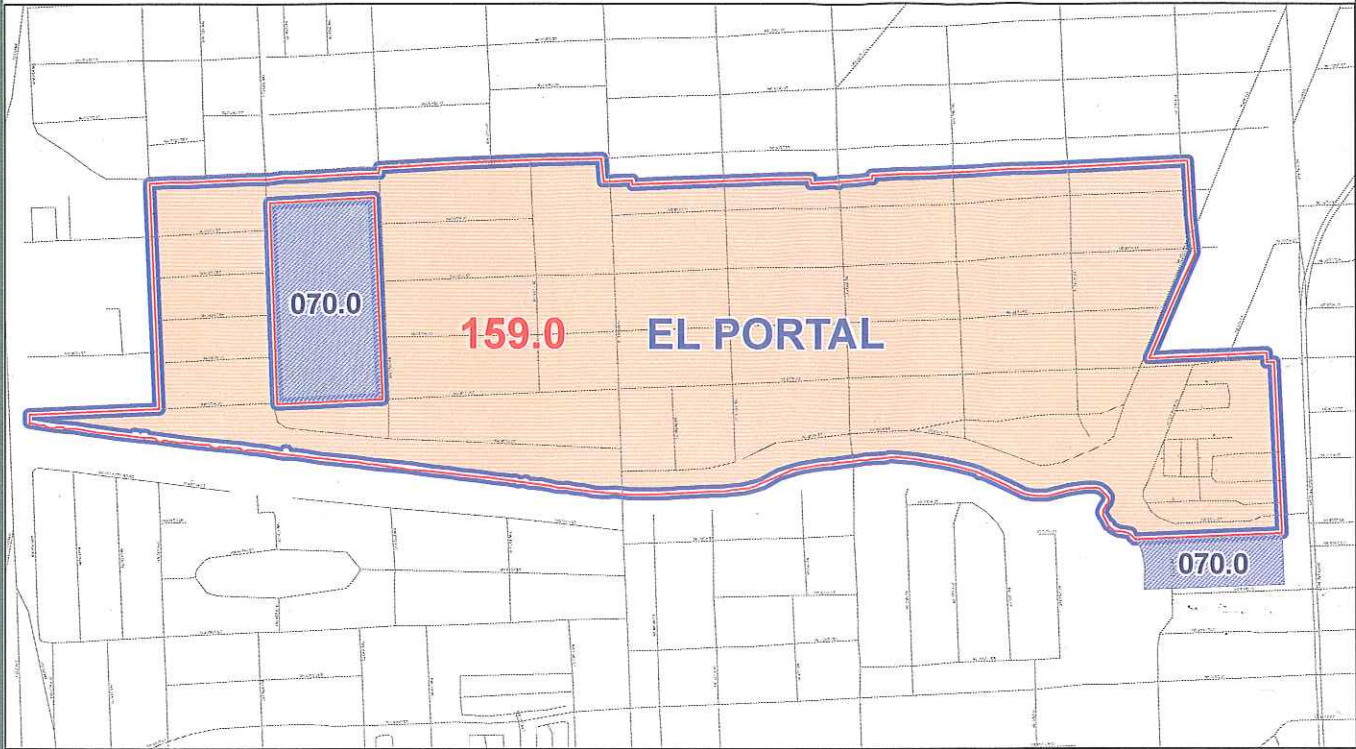
I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2012-022 adopted on July 28th, 2012, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 5th day of October, 2012.
x 

MIAMI - DADE COUNTY

Village of El Portal Annexation with Precincts

Exhibit C

Precincts Before Annexation



Proposed Precincts After Annexation



Precinct #	# of Voters	Polling Place	Commission District	# of Voters After Annexation
159.0	1,746	El Portal Village Hall	3	1,768
70.0	22	El Portal Village Hall	3	0

LEGEND

- Village of El Portal
- Village of El Portal Boundary
- Miami-Dade County Election Precinct
- Voter
- Highway
- Major Road

MIAMI-DADE COUNTY ELECTORAL SERVICES DIVISION
 DATE: 08/14/2012
 TIME: 10:00 AM
 BY: [Signature]

This map was prepared by Miami-Dade County Electoral Services Division. It is intended for informational purposes only. It is not a legal document. For more information, please contact the Electoral Services Division at (305) 375-2000.