

MEMORANDUM

GOC

Agenda Item No. 1(G)4

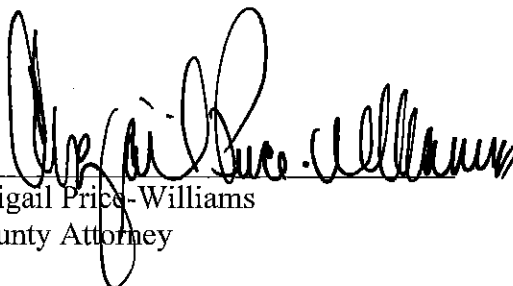
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: January 17, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of Florida City, Florida, and amending the city's municipal charter to provide for the annexation of certain lands pursuant to Section 6.04(B) of the Home Rule Charter and Chapter 20 of the Code; providing for reservation to the County of electric franchise and utility tax revenues; providing for County retention of residential water collection and disposal unless certain circumstances occur; requiring payment of outstanding debt service attributable to the annexation area; providing for County retention of jurisdiction over certain declarations of restrictive covenants; providing for contingent effective date; providing interdependency

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

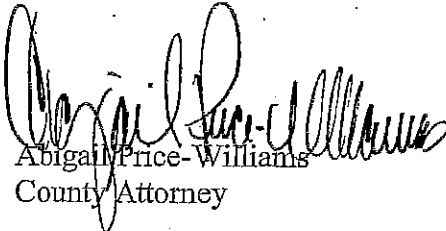
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MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(F)

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
- Statement of social equity 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. 4(F)

Veto _____

11-7-17

Override _____

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CITY'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL WATER COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 6.04(B) of the Miami-Dade County Home Rule Charter and Chapter 20 of the Code of Miami-Dade County ("Code") authorizes the Miami-Dade Board of County Commissioners ("Board") to approve changes to municipal boundaries; and

WHEREAS, on September 6, 2011, the City of Florida City ("City") submitted an annexation request to Miami-Dade County; and

WHEREAS, on September 7, 2016, the Board after a public hearing on the annexation request directed the County Attorney to prepare the appropriate ordinance and interlocal agreement; and

WHEREAS, this Board wishes to change the boundaries of the City pursuant to its annexation request, which provides for reservation to the County of certain revenues and rights, as set forth herein,

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

Section 1. The municipal boundaries of the City of Florida City are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Florida City of the following property (“annexation area”):

Annexation by the City of Florida City

Legal Description

The West ½ of the West ½ of the SW ¼ of Section 25, Township 57 South, Range 38 East; and the East ½ of Section 35 Township 57 South, Range 38 East; and the NW ¼ of Section 36, Township 57 South, Range 38 East; and the West ½ of the NW ¼ of the NE ¼ of Section 36, Township 57 South, Range 38 East; and the West ½ of the SW ¼ of Section 36, Township 57 South, Range 38 East; and the West ½ of the East ½ of the SW ¼ of Section 36, Township 57 South, Range 38 East; and the NE ¼ of the NE ¼ of the SW ¼ of Section 36, Township 57 South, Range 38 East; and the Northwest ¼ of Section 1, Township 58 South, Range 38 East less the East and South 660 feet thereof, of the Public Records of Miami-Dade County, Florida.

The annexation area encompasses an area described by Resolution No. 12-61, passed and adopted by the Commission of the City of Florida City, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexation area 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 area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

Section 2. Pursuant to Sections 20-8.1 and 20-8.2 of the Code of Miami-Dade County (“Code”), 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 annexation area 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 annexation area in the same manner as though the annexation area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4 of the Code, 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 annexation area in the same manner as though such annexation areas remained part of the unincorporated areas 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 amended.

Section 4. Pursuant to Section 20-8.5 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the City of Florida City (i) shall pay Miami-Dade County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$3,612 per year until 2029 and as provided in Section 20-8.5 of the Code, and (ii) shall execute a duly authorized interlocal agreement acceptable to the County agreeing to pay the required amounts.

Section 5. Pursuant to Section 20-8.8 of the Code, as a condition of the annexation, the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a 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.

Section 6. 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 in Appendix B – Ordinances Changing Municipal Boundaries, upon

the Supervisor of Election's certification of election results as set forth in section 10(b) below. 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 7. 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.

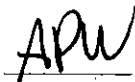
Section 8. Pursuant to Section 20-28.1 of the Code, the County may designate Areas or Facilities of Countywide Significance, and as provided in the Interlocal Agreement, the Board of County Commissioners may designate lands or facilities within the annexation area that will be subject to the requirements pertaining to an Area or Facility of Countywide Significance as may be amended from time to time.

Section 9. This ordinance shall be effective only upon the condition and with the reservation that the City and the County execute the Interlocal Agreement, substantially in the form included in Resolution R-_____, and that such Interlocal Agreement remain in effect.

Section 10. This effective date of this ordinance is the latter of: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, only upon an override by this Board and (b) the date that a majority of the resident electors in the annexation area voting approve the annexation in a special election called by the Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell
Eddie Kirtley

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