

# Memorandum



(Public Hearing 4-7-20)  
**Date:** March 3, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Abolishment of Ordinance No. 01-98 Relating to the Marfer Subdivision Street Lighting  
Special Taxing District

Agenda Item No. 5(D)

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve a petition submitted in accordance with Article 1, Chapter 18, of the Code of Miami-Dade County (Code) to abolish Ordinance No. 01-98 (Ordinance), which created the Marfer Subdivision Street Lighting Special Taxing District (Special Taxing District); waive section 28-15(g) of the Code, which required as part of the platting process that street and alley lighting be provided through the establishment of the Special Taxing District, rescind the Special Taxing District's assessment roll; and refund any excess monies in the Special Taxing District's account.

## **Scope**

This Special Taxing District lies within Commission District 11, which is represented by County Commissioner Joe A. Martinez. If this abolishing Ordinance is approved by the Board, the Special Taxing District will be abolished, service will cease at the earliest practicable time, and the streetlights currently installed along the Special Taxing District's public right-of-way will be removed by Florida Power and Light Company (FPL), which owns the street lighting facilities.

## **Fiscal Impact/Funding Source**

The economic impact on the County's budget will be from the Special Taxing District's cash reserves. There will be no increase or decrease in County staffing due to the abolishment of this Special Taxing District. Once final administrative and service costs are determined, the Parks, Recreation and Open Spaces Department (PROS) will forward a resolution authorizing refunds of excess funds, if any, to the affected property owners. In the event final administrative and service costs exceed the monies in the Special Taxing District's account, special assessments may be collected on the 2019-2020 combined real property tax bill to cover the expenses.

## **Social Equity Statement**

The proposed Ordinance abolishes a Special Taxing District, pursuant to Article I, Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code.

If approved, the street lighting services will cease at the earliest practicable time and property owners within the Special Taxing District will no longer be assessed a special assessment. In addition to the public notice requirements outlined in Section 18-3(d), PROS has mailed a memorandum to all the homeowners notifying them of the petition results in conjunction with a map illustrating the existing street lights to be removed.

**Track Record/Monitor**

The Special Taxing District is managed by PROS and overseen by the Chief of the Special Assessment Districts Division (Division), Lorena Guerra-Macias.

**Background**

In accordance with the provisions of Chapter 18 of the Code, a petition to abolish the Special Taxing District, duly signed by a majority (100%) of the resident owners of property within the Special Taxing District, was filed with the Clerk of the Board ("Clerk"). A copy of the petition was sent to the County Mayor or County Mayor's Designee who examined it and filed with the Clerk a memorandum 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.

This Special Taxing District was created on May 24, 2001, by Ordinance No. 01-98, and provides street lighting services in accordance with Section 28-15(g), which requires that on plats within the unincorporated areas of the County street lighting be provided for through the establishment of a special taxing district. Thus, the establishment of the Special Taxing District was required as part of the platting process, but is not a specific condition of the final recorded plat. As such, contingent upon Board approval of the abolishing ordinance, the Special Taxing District's street lighting services will be discontinued.

<b>Boundaries:</b>	On the North, theo. SW 19 Terrace; On the East, SW 140 Court; On the South, SW 20 Street; On the West, theo. SW 141 Place.
<b>Number of Parcels:</b>	5
<b>Number of Resident Owners:</b>	5
<b>Number of Owners With Homestead Exemption Signing Petition:</b>	Signed by 5 or 100% of the resident property owners (See attached petition).
<b>Public Hearing Notification:</b>	The Clerk will certify the place, date, and hour for a public hearing on the petition and the Report at which all interested persons will be afforded the opportunity to present for this Board's consideration their objections, if any, to the abolishment of the Special Taxing District. As pursuant to Section 18-3(d), a public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be mailed to all owners of taxable real property within the

boundaries of the Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.

**Public Meeting:**

None necessary.

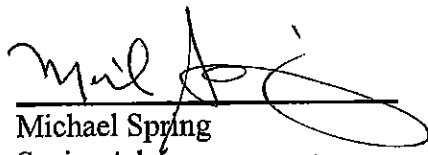
**Required Referendum:**

The abolishment of the Special Taxing District will be subject only to the Board's approval; no election will be necessary.

**Assessment Roll:**

To be repealed and no further force and effect upon adoption of this ordinance by the Board.

In compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by PROS and recommend that this abolishment be approved.

  
Michael Spring  
Senior Advisor

Attachments

# Memorandum



**Date:** June 28, 2019

**To:** Linda L. Cave, Division Director  
Office of the Clerk of the Board  
Attn: Shania Momplaisir

**From:** Lorena Guerra-Macias, Chief *lgm*  
Special Assessment Districts Division  
Parks, Recreation and Open Spaces Department

**Subject:** Marfer Subdivision Street Lighting Special Taxing District

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In reference to the subject petition, we hereby certify that, in compliance with Chapter 18 of the Miami-Dade County Code, this Department has checked the names in the attached petition against the records of the Property Appraisal Department, and is submitting the following information:

- |   |                       |
|---|-----------------------|
| 1. Total number of parcels of land within district boundaries             | <u>5</u>              |
| 2. Total number of resident owners of property within district boundaries | <u>5</u>              |
| 3. Total number of resident owners signing the attached petition          | <u>5</u>              |
| 4. Percentage of resident owners signing the attached petition            | <u>100%</u>           |
| 5. Net Property Valuation   | <u>\$1,654,946.00</u> |

Utilizing Homestead Exemption as the basis for the resident owner requirement, we certify that this petition does contain the signatures of 50% of the resident property owners within the proposed District boundaries as required by the Code; therefore, the subject petition is valid.

Enclosures

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**PETITION TO DISSOLVE THE  
MARFER SUBDIVISION  
STREET LIGHTING SPECIAL TAXING DISTRICT  
SPECIAL ASSESSMENT DISTRICTS DIVISION**

Petition Issue Date 06/10/2019

Petition Received Date 06/28/2019  
(TO BE COMPLETED BY THE DIVISION)

**To the Petitioner:** You are recommended to circulate this petition among all property owners within the District boundaries listed below. In order for the petition to be considered a valid current indicator of community preference, it must be completed and returned within four months from the date of issue. All submitted petition forms must be original and completed in ink.

**To the Board of County Commissioners of Miami-Dade County, Florida:** We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, to dissolve the Marfer Subdivision Street Lighting Special Taxing District created by the Board of County Commissioners (the Board) pursuant to Ordinance No. 01-98. We understand that the signatures of at least 50% of the resident property owners with homestead exemption within the District's boundaries signing the petition will validate the petition. If approved by the Board at a public hearing, the District will be dissolved and the special taxing streetlights, wiring, and light poles in the District will be removed by FPL at the earliest practicable time.

**Proposed:** Removal of all special taxing streetlights, wiring, and light poles.

**District Boundaries:** On the North, Theo. SW 19 Terrace; On the East, SW 140 Court;  
On the South, SW 20 Street; On the West, Theo. SW 141 Place.  
(See district boundaries and geographical location sketch, Exhibit A, on reverse side)

IF THE DISTRICT IS DISSOLVED BY THE BOARD, IN THE FOLLOWING TAX YEAR THE RESIDENTS OF THE DISTRICT MAY BE REIMBURSED IF A SURPLUS EXISTS OR MAY BE ASSESSED FOR ANY SHORTFALL, FOLLOWING A COMPLETE FINANCIAL RECONCILIATION OF THE DISTRICT'S ACCOUNT TO INCLUDE AN ADDITIONAL INDIVIDUAL ASSESSMENT RANGING FROM \$1,610.00 TO \$1,700.00 FOR THE REMOVAL OF THE LIGHTS.

OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: <u>Jacobo GARRIDO</u> Sign: _____	Address: <u>1930 SW 140ct, Miami, FL 33175</u> Folio: <u>30-4910-097-0040</u>	<u>6/27/19</u>
Print: <u>Yolaine Fernandez</u> Sign: _____	Address: <u>14041 SW 20st, Miami, FL 33175</u> Folio: <u>30-4910-097-0020</u>	<u>06/27/19</u>
Print: <u>CARLOS ANTONIO FERNANDEZ</u> Sign: _____	Address: <u>14041 SW 20st, Miami, FL 33175</u> Folio: <u>30-4910-097-0020</u>	<u>06/27/19</u>
Print: <u>MARITZA Alvarez</u> Sign: _____	Address: <u>1950 SW 140ct, Miami, FL 33175</u> Folio: <u>30-4910-097-0030</u>	<u>6/27/19</u>
Print: <u>AURORA Perez</u> Sign: _____	Address: <u>1900 SW 140ct, Miami, FL 33175</u> Folio: <u>30-4910-097-0050</u>	<u>6/27/19</u>
Print: <u>RAFAEL Perez</u> Sign: _____	Address: <u>1900 SW 140ct, Miami, FL 33175</u> Folio: <u>30-4910-097-0050</u>	<u>6/27/19</u>

NOTE: Only signatures of resident property owners and only one resident owner's signature per household will count toward the 50% Code requirement for petition validation. However, circulation of petition among all residents in the District is urged to ensure these persons are informed of the proposal. Altering this form in any way invalidates the entire petition. 5

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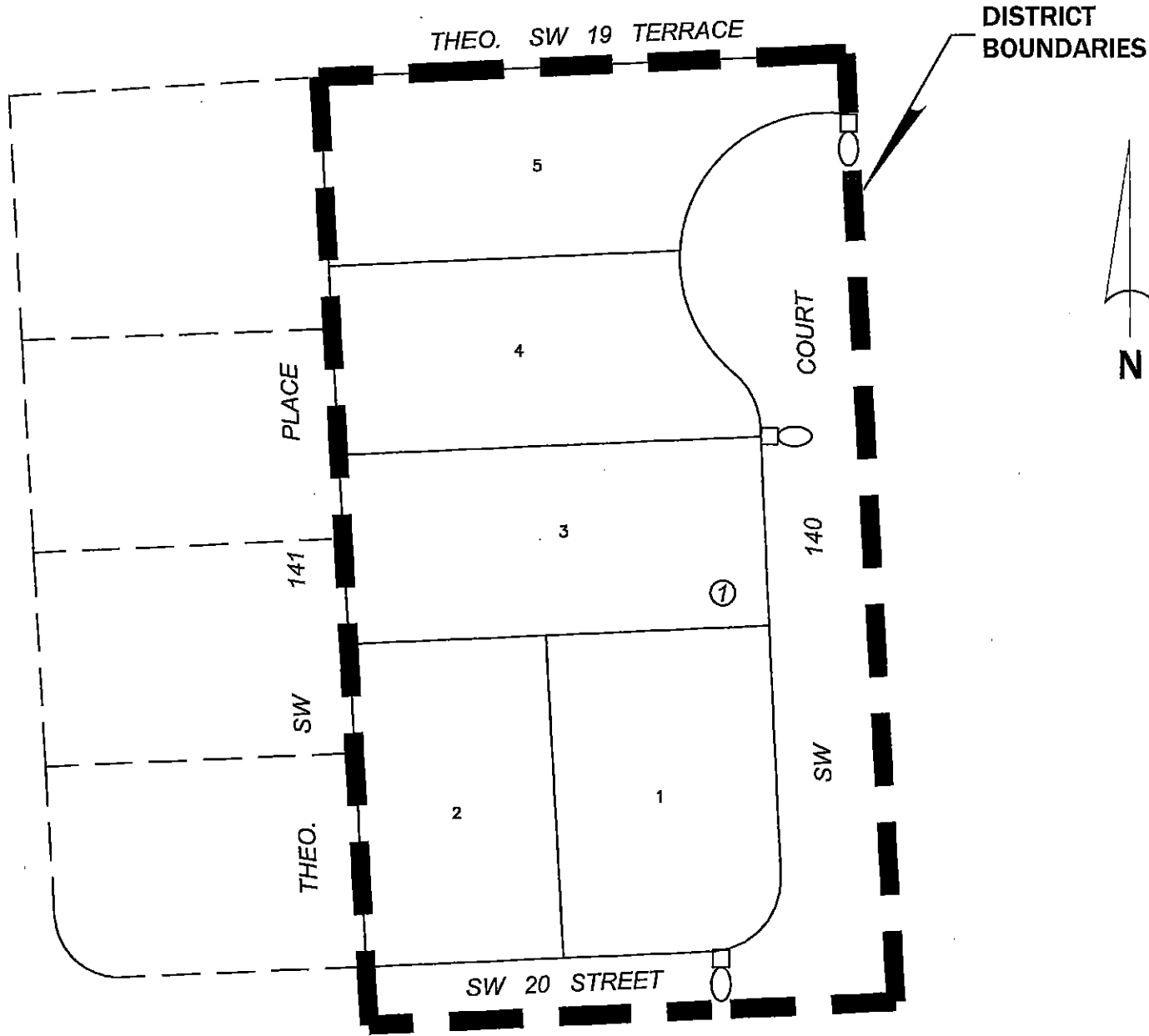
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OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: <u>Alexander G. Perez</u> Sign: <u>[Signature]</u>	Address: <u>14031 SW 20 St, Miami, FL 33175</u> Folio: <u>30-4910-097-0010</u>	<u>6/27/19</u>
Print: <u>Alicia M. Perez</u> Sign: <u>[Signature]</u>	Address: <u>14031 SW 20 St, Miami, FL 33175</u> Folio: <u>30-4910-097-0010</u>	<u>6/27/19</u>
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	
Print:	Address:	
Sign:	Folio:	

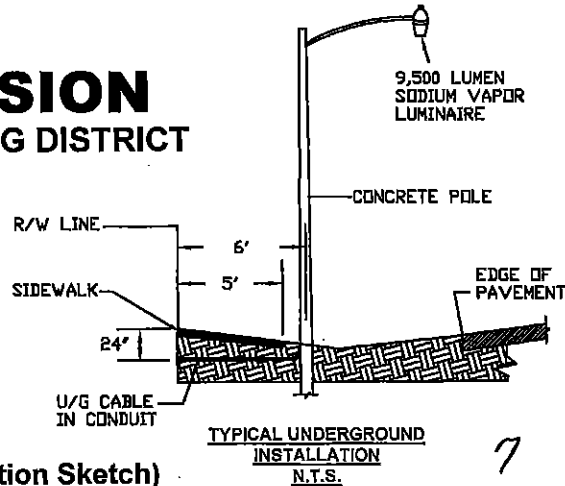
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# MARFER SUBDIVISION

## STREET LIGHTING SPECIAL TAXING DISTRICT

① 3 - EXISTING 9,500 LUMEN SODIUM VAPOR BRACKET-ARM STREETLIGHTS AND CONCRETE POLES TO BE REMOVED.





FPL Account Number: \_\_\_\_\_  
 FPL Work Order Number: \_\_\_\_\_  
 Taxing District: L- \_\_\_\_\_

**STREET LIGHTING AGREEMENT**

In accordance with the following terms and conditions, \_\_\_\_\_ Street Lighting Special Taxing District (hereinafter called the Customer), requests on this \_\_\_\_\_ day of \_\_\_\_\_, from FLORIDA POWER & LIGHT COMPANY (hereinafter called FPL), a corporation organized and existing under the laws of the State of Florida, the following installation or modification of street lighting facilities at (general boundaries) \_\_\_\_\_, located in Miami-Dade County, Florida.  
 (city/county)

(a) Installation and/or removal of FPL-owned facilities described as follows:

<u>Lights Installed</u>			<u>Lights Removed</u>		
Fixture Rating (In Lumens)	Fixture Type	# Installed	Fixture Rating (In Lumens)	Fixture Type	# Removed

<u>Poles Installed</u>		<u>Poles Removed</u>		<u>Conductors Installed</u>		<u>Conductors Removed</u>	
Pole Type	# Installed	Pole Type	# Removed	Feet not Under Paving	Feet Under Paving	Feet not Under Paving	Feet Under Paving

(b) Modification to existing facilities other than described above (explain fully): \_\_\_\_\_

That, for and in consideration of the covenants set forth herein, the parties hereto covenant and agree as follows:

**FPL AGREES:**

- To install or modify the street lighting facilities described and identified above (hereinafter called the Street Lighting System), furnish to the Customer the electric energy necessary for the operation of the Street Lighting System, and furnish such other services as are specified in this Agreement, all in accordance with the terms of FPL's currently effective street lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive street lighting rate schedule approved by the FPSC.

**THE CUSTOMER AGREES:**

- To pay a contribution in the amount of \$ \_\_\_\_\_ prior to FPL's initiating the requested installation or modification.
- To purchase from FPL all of the electric energy used for the operation of the Street Lighting System.
- To be responsible for paying, when due, all bills rendered by FPL pursuant to FPL's currently effective street lighting rate schedule on file at the FPSC or any successive street lighting rate schedule approved by the FPSC, for facilities and service provided in accordance with this agreement.
- To provide access, final grading and, when requested, good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all non-FPL underground facilities within or near pole or trench locations, and appropriate plats necessary for planning the design and completing the construction of FPL facilities associated with the Street Lighting System.
- To perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by FPL to accommodate the street lighting facilities.



IT IS MUTUALLY AGREED THAT:

- 7. Modifications to the facilities provided by FPL under this agreement, other than for maintenance, may only be made through the execution of an additional street lighting agreement delineating the modifications to be accomplished. Modification of FPL street lighting facilities is defined as the following:
  - a. the addition of street lighting facilities;
  - b. the removal of street lighting facilities; and
  - c. the removal of street lighting facilities and the replacement of such facilities with new facilities and/or additional facilities.

Modifications will be subject to the costs identified in FPL's currently effective street lighting rate schedule on file at the FPSC, or any successive schedule approved by the FPSC.

- 8. FPL will, at the request of the Customer, relocate the street lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such Customer-requested relocation of FPL street lighting facilities. Payment shall be made by the Customer in advance of any relocation.
- 9. FPL may, at any time, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.
- 10. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and, except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial the (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. The written notice shall be by certified mail and shall be given not less than ninety (90) days before the expiration of the initial ten (10) year term, or any extension thereof.
- 11. In the event street lighting facilities covered by this agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for paying to FPL an amount equal to the original installed cost of the facilities provided by FPL under this agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the FPSC) plus removal cost.
- 12. Should the Customer fail to pay any bills due and rendered pursuant to this agreement or otherwise fail to perform the obligations contained in this Agreement, said obligations being material and going to the essence of this Agreement, FPL may cease to supply electric energy or service until the Customer has paid the bills due and rendered or has fully cured such other breach of this Agreement. Any failure of FPL to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by FPL, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.
- 13. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy, or by cause or causes not under the control of the party thus prevented from compliance and FPL shall not have the obligation to furnish service if it is prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of FPL, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.
- 14. This Agreement supersedes all previous Agreements or representations, either written, oral or otherwise between the Customer and FPL, with respect to the facilities referenced herein and constitutes the entire Agreement between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by FPL to third parties.
- 15. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the Customer and FPL.
- 16. This Agreement is subject to FPL's Electric Tariff, including, but not limited to, the General Rules and Regulations for Electric Service and the Rules of the FPSC, as they are written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the FPL Electric Tariff or the FPSC Rules, the provisions of the Electric Tariff and FPSC Rules shall control, as they are now written, or as they may be hereafter revised, amended or supplemented.

IN WITNESS WHEREOF, the parties hereby caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective as of the day and year first written above.

Charges and Terms Accepted:

Miami-Dade County Special Taxing Districts Division  
Customer (Print or type name of Organization)

FLORIDA POWER & LIGHT COMPANY

By: \_\_\_\_\_  
Signature (Authorized Representative)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or type name)

\_\_\_\_\_  
(Print or type name)

Title: \_\_\_\_\_

Title: \_\_\_\_\_



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** April 7, 2020

**FROM:** Abigail Price-Williams  
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
- 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 5(D)

Veto \_\_\_\_\_

4-7-20

Override \_\_\_\_\_

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

ORDINANCE REPEALING ORDINANCE NO. 01-98 AND RESOLUTION NO. R-590-01; ABOLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY THEORETICAL SW 19 TERRACE, ON THE EAST BY SW 140 COURT, ON THE SOUTH BY SW 20 STREET, AND ON THE WEST BY THEORETICAL SW 141 PLACE, KNOWN AND DESCRIBED AS MARFER SUBDIVISION STREET LIGHTING SPECIAL TAXING DISTRICT; DISCONTINUING STREET LIGHTING SERVICES THEREIN; WAIVING SECTION 28-15(G) OF THE CODE; APPROVING A STREET LIGHTING AGREEMENT WITH FLORIDA POWER AND LIGHT TO TERMINATE SERVICES AND REMOVE THE STREETLIGHTS; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the public hearing will be held during the meeting of this Board on Tuesday, \_\_\_\_\_, beginning at 9:30 a.m. in the Commission Chambers, Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida,

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

**Section 1.** In accordance with the provisions of Section 1.01(A)(11) of Miami-Dade County Charter, the Board has the authority to abolish and discontinue services within special taxing districts established pursuant to Chapter 18 of the Code. As such, the Marfer Subdivision Street Lighting Special Taxing District in Miami-Dade County, Florida, is hereby abolished and street lighting services within the Special Taxing District it shall be discontinued.

**Section 2.** Upon adoption of this Ordinance, Ordinance No. 01-98 and Resolution No. R-590-01 shall be deemed repealed and of no further force and effect, and any excess amount of money left in the Special Taxing District's account shall be refunded.

**Section 3.** The provision of section 28-15(g) of the Code, requiring that on plats within the unincorporated areas of the County street lighting be provided for through the establishment of a special taxing district is hereby waived.

**Section 4.** The proposed agreement with Florida Power and Light Company, which provides for terminating services and removing the street lights, is hereby approved and made a part hereof by reference. The provisions of Resolution No. R-130-06 are hereby waived because adoption of this Ordinance is a precursor to the future execution of said agreement, which will not occur until after the Special Taxing District is abolished.

**Section 5.** The County Mayor or designee is authorized and directed to execute at the appropriate time the incorporated agreement, in substantially the form attached hereto, for and on behalf of Miami-Dade County, and to cause the termination of said street lighting within the Special Taxing District in accordance with the provisions of said agreement and the terms of this Ordinance.

**Section 6.** A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit of Miami-Dade County, Florida, and recorded in the appropriate book of records.

**Section 7.** It is the intention of the Board and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code.

**Section 8.** The provisions of this Ordinance shall become effective ten 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:

APW

Prepared by:

DPL

Daija Page Lifshitz