

Memorandum



Date: (Public Hearing 2-17-21)
January 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(C)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance Creating the Villas at Pinecrest Multipurpose Maintenance Special Taxing District

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) for creation of the Villas at Pinecrest Multipurpose Maintenance Special Taxing District (Special Taxing District). The multipurpose maintenance program will remain dormant until such time as any association or community development district (CDD) fails to provide the required maintenance services.

Scope

This proposed Special Taxing District lies within Commission District 7, which is represented by County Commissioner Raquel A. Regalado, and will provide multipurpose maintenance services, if and when necessary.

Fiscal Impact/Funding Source

Creation of this Special Taxing District will result in no economic impact to the Miami-Dade County (County) budget. Maintenance services which cannot be equitably or conveniently provided by the property owners and/or developers shall be provided by the Special Taxing District upon acceptance of the plat's required services by the County and upon the failure of any association or CDD to provide the required maintenance services and such services will be funded by special assessments against benefited properties.

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 Special Taxing District, if and when necessary.

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

Social Equity Statement

The proposed Ordinance creates the 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, property owners within the proposed Special Taxing District will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's services, regardless of their demographics, and that the total estimated amount of the special assessments to be levied would not be in excess of such special benefit. The creation of this Special Taxing District, which was

requested by 100% of the property owners, will provide for maintenance in the event that a community development district (CDD) or association fails to provide the required services.

Pursuant to section 18-20.2 of the Code regarding notice to purchasers of new residential property, it shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special taxing district created pursuant to this Chapter of the Code or of a pending petition to create such a special taxing district. The notice shall be provided in the manner set forth in section 18-20.2 of the Code.

Track Record/Monitoring

The Special Taxing District will be managed by the County's Parks, Recreation and Open Spaces Department (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 create the Special Taxing District, duly signed by 100% of the owners of property within the proposed Special Taxing District, was filed with the Clerk of the Board. A copy of the petition was sent to the County Mayor and the County Attorney to examine and to file 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. PROS compiled and filed with the Clerk a memorandum and accompanying written report and recommendations (Report), a copy of which is attached to this memorandum. The Report sets forth the boundaries of the Special Taxing District, an estimate of the cost of the improvements and/or services to be provided, the need for and desirability of the Special Taxing District, the ability of the affected properties to bear the special assessments, certifies that the improvements and/or services to be provided conform to the master plan of Miami-Dade County, and recommends that the Special Taxing District be created to provide a special benefit to all property within the proposed Special Taxing District.

Contingent upon Board approval of the creation of this Special Taxing District, and in the event any association or CDD fails to provide maintenance services, PROS and the Division will provide the Special Taxing District's required maintenance services and cause implementation of special assessments for the costs of such services against the benefitted properties, as well as contract monitoring, compliance and enforcements, if and when necessary.

Boundaries:

On the North, SW 100 Street;
On the East, theo. SW 75 Avenue;
On the South, theo. SW 101 Street;
On the West, theo. SW 75 Place.

Number of Parcels:

2 (Tentative plat proposes 18 townhomes units).

Number of Owners:

1

**Number of Owners With Homestead
Exemption Signing Petition:**

None – The petition was submitted by
Grec Pinecrest, LLC., the sole property owner
and developer.

Preliminary Public Meeting:

None necessary.

Public Hearing Notification:

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

Required Referendum:

The creation of the Special Taxing District
will be subject only to Board approval; no
election will be necessary as 100% of the
property owners signed the petition.

Preliminary Assessment Roll:

In the event any association or CDD fails to
provide the maintenance services below, and
contingent upon Board approval of this
Special Taxing District's creating ordinance, a
hearing to adopt the multipurpose
maintenance preliminary assessment roll will
be conducted. The implementation of the
assessment roll will be in accordance with the
procedures defined in Chapter 18 of the Code.

Multipurpose Maintenance Services:

The creation of this Special Taxing District is
requested to maintain landscaped swales,
medians, common areas, any entrance
features, wetlands, lakes, and the exterior of
any fencing or walls within the Special Taxing
District's boundaries abutting public rights-of-
way, including maintenance of turf, trees,

shrubs, irrigation, and utility payments, should any association or CDD fail to provide these services. The Special Taxing District will also maintain the private roads, if applicable, and if there is a failure to provide maintenance within the private roads as defined in a non-exclusive easement granted to the County and recorded in the Public Records. Services will commence following failure of any association or CDD to provide these services, and upon request from the Village of Pinecrest to provide services, and upon adoption of the Special Taxing District's multipurpose maintenance preliminary assessment roll.

Estimated Initial Billing:

Assessment billed annually as an itemized portion of the Real Property tax bill. Collection to commence in November following adoption of this Special Taxing District's assessment roll.

Initial Start of Service:

October 1st following cessation of maintenance services by the developers and failure of any association or CDD to provide services.

Estimated Total District Costs:

<u>First Year</u>	<u>Second Year</u>
\$50,570.78	\$40,631.05

Method of Apportionment:

Square Footage

Estimated Annual District Assessments:

Per Assessable Square Foot:
For Tract A:


<u>First Year</u>	<u>Second Year</u>
\$0.5976	\$0.4802
\$50,570.78	\$40,631.05

The above annual costs and assessment information for multipurpose maintenance services are for informational purposes only and were calculated based on current costs assuming that maintenance services were to commence this year. Each subsequent year will be calculated based on actual cost. Actual costs for multipurpose maintenance services will be determined at the time of the assessment roll hearing. State or Federal grants are not applicable to this Special Taxing District.

Each special taxing district is unique due to its geographical boundaries, 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.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 5

In compliance with the provisions of section 18-3(c) of the Code, I have reviewed the facts submitted by PROS in its Report and Recommendations, a copy of which is attached and incorporated herein. I concur with their recommendation that this Special Taxing District be created pursuant to section 18-22.1 of the Code.



Jimmy Morales
Chief of Operations

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
M E M O R A N D U M

TO: Lorena Guerra-Macias
Chief, Special Taxing Districts Division

FROM: Ryan Carlin *RC* DATE: November 30, 2020
Assistant County Attorney

SUBJECT: Villas at Pinecrest 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 the areas to be maintained are adjacent to or accessible from the public right of way, and are accessible to or usable by the public.

Memorandum



Date: November 30, 2020

To: Melissa Adames
Office of the Clerk of the Board
Attn: Shania Momplaisir

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

Subject: Villas at Pinecrest Multipurpose Maintenance
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Sections 18-2 and 18-22.1 of the Miami-Dade County Code, this Department has verified the attached name 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 signator is the owner and/or individual signing in their official capacity as representative 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>2</u>
2.	Total number of owners of property within district boundaries	<u>1</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>1</u>
5.	Total number of owners or representatives signing the petition in an official capacity	<u>1</u>
6.	Percentage of owners or representatives signing the petition in their official capacity	<u>100%</u>

Pursuant to Sections 18-2 and 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

c: Ryan Carlin

AND OPEN SPACES DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION10/19/2020
Document PreparationDepartmental 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, lake, entrance features and wall maintenance services (requested landscape, lake, 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) VILLAS AT PINECREST

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 Parks, Recreation and Open Spaces Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
GREC PINECREST LLC	5975 Sunset Dr #703		20-5002-008-0010
BY: FSE INVESTMENTS, INC	Miami, FL 33143		20-5002-008-0020
Manager			
By: James A. Dorsy		MORE FULLY	
President		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT" A"	

PLACE NOTARY STATEMENT AND STAMP HERE:

STATE OF FLORIDA

} ss

COUNTY OF MIAMI-DADE)

THE FORGOING INSTRUMENT was acknowledged before me this 19 day October, 2020 by James A. Dorsy, President of FSE INVESTMENTS, INC., a Florida Corporation, who is (1) personally known to me and not take an oath, or () produce identification in the form of

My Commission expires



DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S)

KNOWN AS VILLAS AT PINECREST.

DATED 10/19/20 FOR THE CREATION OF

SPECIAL TAXING DISTRICT(S).

LOTS 1 AND 2 OF BLOCK 1 OF "CORRECTED PLAT OF FLAGLER GROVES ESTATES SECTION ONE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 71 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS VILLAS AT PINECREST.

DATED 10/19/2020, FOR THE CREATION OF A MULTIPURPOSE SPECIAL TAXING DISTRICT FOR MULTIPURPOSE MAINTENANCE.

AREAS TO BE MAINTAINED:

- EXTERIOR WALL ABUTTING PUBLIC RIGHT-OF-WAY AND INTERIOR PERIMETER WALL FACING SURFACES
- LANDSCAPING AREAS ABUTTING PUBLIC RIGHT-OF-WAY

MAINTENANCE SCHEDULE:

- 1) LAWN / GRASS
 - a) CUT BIMONTHLY AS REQUIRED
 - b) FERTILIZE AND WEED CONTROL AS NEEDED
 - c) TREAT FOR PESTS / DISEASES AS NEEDED
 - d) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME
- 2) TREES / SHRUBS
 - a) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
 - b) REPLACE AS REQUIRED
- 2) WALL MAINTENANCE
 - a) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL, INTERIOR WALL FACING SURFACES 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 AND COMMON AREAS

Memorandum



Date: September 16, 2020

To: Maria Nardi, Director
Department of Parks, Recreation and Open Spaces

From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

Subject: Street lighting, Maintenance of Landscape, Walls Adjacent to Double Frontage Lots, Entrance Features and Lakes – Special Taxing Districts

All tentative plats in the unincorporated area of Miami-Dade County submitted to the Development Services Division (Land Development Section) of the Regulatory and Economic Resources Department (RER), must comply with the special taxing districts requirements of the Miami-Dade County Code (the Code) 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, through September 30, 2021, as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2020-2030 Comprehensive Development Master Plan (CDMP). Capital Improvement Element Policy CIE-4A states: "Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special taxing districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible" (Adopted Components as Amended through January 23, 2020, page IX-9). 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 RER 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 RER Development Services Division review all landscape maintenance districts and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

JO:LG:NK:JB:GR

RESOLUTION NO. 2016-50

**A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA
APPROVING AND AUTHORIZING MIAMI-DADE COUNTY
TO CREATE AND ESTABLISH THE VILLAS AT PINECREST
SPECIAL TAXING DISTRICT PURSUANT TO CHAPTER 18,
ARTICLE I OF THE MIAMI-DADE COUNTY CODE OF
ORDINANCES; PROVIDING FOR TRANSMITTAL;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article I of Chapter 18 of the Miami-Dade County Code of Ordinances ("County Code") allows for the creation and establishment of special taxing districts within incorporated areas for the purpose of acquiring, constructing, reconstructing and installing public improvements or to provide special services; and

WHEREAS, Article I of Chapter 18 of the County Code sets forth the procedure for creating special taxing districts; and

WHEREAS, Section 18-2 of the County Code provides that no special taxing district shall be created within a municipality without the approval of the governing body of the municipality; and

WHEREAS, pursuant to Section 18-3 of the County Code, GREC Pinecrest, LLC ("the Applicant") filed a petition with the Clerk of the Board of Miami-Dade County requesting the creation and establishment of a special taxing district, known as the "Villas at Pinecrest Special Taxing District," within the geographic boundaries of the Village of Pinecrest as legally described in Exhibit "A," which is incorporated herein and made a part hereof by this reference; and

WHEREAS, the Applicant's petition provides that the multipurpose maintenance component of the district will be dormant, such that service will only commence following failure of any homeowner's association to provide the required services as described in the petition; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the Village.

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

Section 1. In accordance with Chapter 18 of the County Code, the Village Council hereby approves and authorizes Miami-Dade County to create and establish the Villas at Pinecrest Special Taxing District, with the boundaries of said district being those as legally described in Exhibit "A," which is incorporated herein and made a part hereof by this reference.


Section 2. The Village Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Clerk of the Miami-Dade County Board of County Commissioners and the Miami-Dade County Mayor.

Section 3. This Resolution shall take effect immediately upon adoption.


PASSED AND ADOPTED this 18th day of October, 2016.


Cindy Lerner, Mayor

Attest:


Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency


Mitchell Bierman
Village Attorney



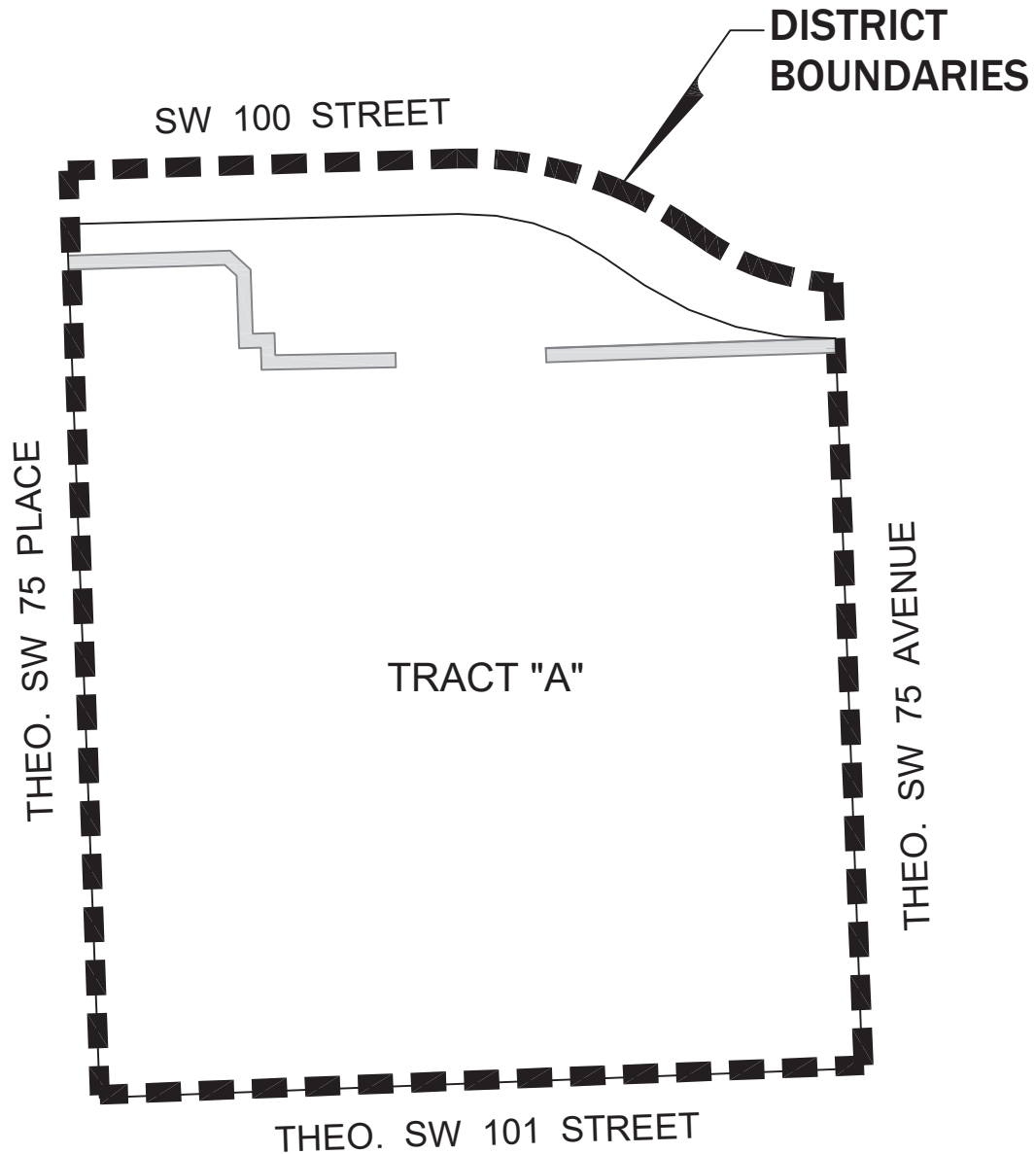
Motion by: Vice Mayor McDonald
Second by: Councilmember Ball

Vote: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald and Mayor Lerner voting Yes

EXHIBIT A

Legal Description:

Lots 1 and 2 of Block 1 of "Corrected Plat of Flagler Groves Estates Section One" according to the Plat thereof as recorded in Plat Book 40 at Page 71 of the Public Records of Miami-Dade County, Florida.



VILLAS AT PINECREST

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

 SHADING DENOTES AREAS TO BE MAINTAINED.

EXHIBIT "A"

(Boundaries & Geographical Location Sketch)

ATTACHMENT TO EXHIBIT "A"
VILLAS AT PINECREST
MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:

EXTERIOR WALL AND LANDSCAPING AREAS ABUTTING THE PUBLIC RIGHT-OF-WAY AND INTERIOR PERIMETER WALL FACING SURFACES

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.
 - 5) MULCHING – PERFORMED TWICE A YEAR OR AS NEEDED
- B) TREES/SHRUBS
 - 1) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
 - 2) REPLACE AS REQUIRED
- C) WALL MAINTENANCE
 - 1) MAINTENANCE AND SURFACE REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL, INTERIOR WALL FACING SURFACES AND THE REMOVAL OF GRAFFITI AS NEEDED

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASSES A PRIVATE DRIVE COMMUNITY, IT SHALL BE **DORMANT**; AND 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 HOMEOWNERS 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 AND COMMON AREAS



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 5(C)

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
Veto _____
Override _____

Agenda Item No. 5(C)
2-17-21

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY SW 100 STREET, ON THE EAST BY THEORETICAL SW 75 AVENUE, ON THE SOUTH BY THEORETICAL SW 101 STREET, AND ON THE WEST BY THEORETICAL SW 75 PLACE, KNOWN AND DESCRIBED AS VILLAS AT PINECREST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE MAYOR OR DESIGNEE TO CAUSE TO BE MAINTAINED AND OPERATED VARIOUS PUBLIC IMPROVEMENTS; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

WHEREAS, a public hearing has been conducted by the Board of County Commissioners in accordance with the requirements and procedures of Chapter 18 of the Code of Miami-Dade County,

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, a special taxing district to be known and designated as the Villas at Pinecrest Multipurpose Maintenance Special Taxing District in Miami-Dade County, Florida, is hereby created and established in the Village of Pinecrest, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the Village of Pinecrest to create this Special Taxing District.

Section 2. The area or boundaries of this Special Taxing District, generally bounded on the north by SW 100 Street, on the east by theoretical SW 75 Avenue, on the south by theoretical SW 101 Street, and on the west by theoretical SW 75 Place, and located entirely within District 7, are as follows:

A portion of Section 02, Township 55 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:

Lots 1 and 2 of Block 1 of "Corrected Plat of Flagler Groves Estates Section One" according to the plat thereof, as recorded in Plat Book 40 at Page 71 of the Public Records of Miami-Dade County, Florida (a.k.a. Villas at Pinecrest, Tentative Plat# T-23738).

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, attached to the accompanying memorandum.

Section 3. The improvements and/or services to be provided in this Special Taxing District will consist of the following:

Maintenance of landscaped swales, medians, common areas, wetlands, lakes, entrance features, and the exterior of any fencing or walls within the Special Taxing District's boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments, should any association or community development district (CDD) fail to provide these services,. The Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to the County and recorded in the Public Records. Services will commence following failure of any association or CDD to provide these services, and upon request from the Village of Pinecrest to provide services, and upon adoption of the Special Taxing District's multipurpose maintenance preliminary assessment roll. Other maintenance services may be provided in the future as specified in the Special Taxing District's ordinance and amendments thereto.

Section 4. The estimated cost to the property owners for the multipurpose maintenance services and operations by the Special Taxing District, including engineering, administration, billing, collecting and processing for the first year will be \$50,570.78 and \$40,631.05 for the second year. The petitioner is responsible for the estimated administrative costs for the first year in the amount of \$4,000.00. It is estimated that the cost per assessable square foot of real property within the Special Taxing District for the multipurpose maintenance programs for the first year will be \$0.5976, and \$0.4802 for the second year. The succeeding years' assessments will be adjusted based on actual costs.

Section 5. The entire cost of the Special Taxing District's improvements and/or services shall be specially assessed. It is hereby declared that said improvements and/or services will be a special benefit to all properties within the 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. If the multipurpose maintenance services are activated, Miami-Dade County, as administrator of this Special Taxing District's maintenance programs, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the Report, which is made a part hereof by reference. If there is a proposed significant change to the level of service to be provided, the Parks, Recreation and Open Spaces Department shall conduct a meeting in the community, inviting all affected Special Taxing District property owners for the purpose of reviewing the Special Taxing District's budget and level of service.

Section 7. If the multipurpose maintenance services are activated, 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 Special Taxing District in accordance with the provisions of this Ordinance.

Section 8. In the event that the Special Taxing District is activated, the County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk one Preliminary Assessment Roll in accordance with the provisions of section 18-14 of the Code. As authorized by section 197.3632, 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. Unless paid when due, such special assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and section 18-14 of the Code, including possible loss of title.

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. 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 11. The provisions of this Ordinance shall become effective ten 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:

Daija P. Lifshitz