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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (C)(2)
4-24-07

RESOLUTION NO. R-493-07

RESOLUTION ADOPTING REVISED PRELIMINARY ASSESSMENT ROLL PROVIDING FOR REVISED ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS BISCAYNE POINT SECURITY GUARD SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. 90-52 AMENDED BY ORDINANCE NO. 07-62

WHEREAS, pursuant to petition, notice and public hearing, the Board of County Commissioners by Ordinance No. 90-52, adopted on June 5, 1990, created and established a special taxing district in Dade County, Florida, known and designated as the BISCAYNE POINT SECURITY GUARD SPECIAL TAXING DISTRICT in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, enacted under and pursuant to the provisions of Section 1.01(A)(11) of the Home Rule Charter of Miami-Dade County, Florida; and

WHEREAS, pursuant to Ordinance No. 90-52, the Board of County Commissioners determined that special assessments in this special taxing district for furnishing a visible safety and sentinel security guard service should be levied on a per unit basis; and

WHEREAS, pursuant to Ordinance No. 90-52, and Section 18-14(4) of the Code of Miami-Dade County, Florida, the County Manager caused an initial preliminary assessment roll to be prepared and filed with the Clerk of the County Commissioner; and

WHEREAS, on December 13, 2005, the Biscayne Point Homeowners submitted a petition signed by 55.4% of the residents requesting that the district's security services include the installation of security cameras on every vehicular lane adjacent to the guardhouse; and

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(C)(2)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

WHEREAS, pursuant to Ordinance No. 07-62 amending Ordinance No. 90-52, and Section 18-14(4) of the Code of Miami-Dade County, Florida, the County Manager caused a revised preliminary assessment roll to be prepared and filed with the Clerk of the County Commission and pursuant to notice published, posted and mailed to all property owners within the special taxing district, the County Commission held a public hearing on this date upon the revised preliminary assessment roll submitted by the County Manager, and all interested persons were afforded the opportunity to present their objections, if any, in respect to their assessments on such assessment roll; and

WHEREAS, after due consideration, the County Commission found and determined that the assessments shown on the revised preliminary assessment roll were generally in direct proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment roll; and

WHEREAS, each property owner was notified that the special assessments, when finally approved and confirmed pursuant to Section 18-14(6) of the Code of Miami-Dade County, Florida, will be placed on the November 2007, and subsequent real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The said revised preliminary assessment roll (a copy of which is made a part hereof by reference) is approved, adopted and confirmed pursuant to Section 18-14(6) of the Code of Miami-Dade County, Florida.

Section 2. If the amendment to the ordinance creating this special taxing district is approved by the election held pursuant to Resolution No. R-492-07 , the Clerk of the Board of County Commissioners is directed to deliver to the Finance Director, on or before June 25, 2007, a copy of the revised assessment roll, and to cause a duly certified copy of this resolution, together with the revised assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 3. All assessments made upon said revised assessment roll shall constitute a special assessment lien upon the real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of Section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 4. All assessments shall be payable in accordance with Section 18-14(7) of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of Ordinance No. 90-52 as amended by Ordinance No. 07-62 and this Resolution, 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 assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statues, and/or Section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 5. Implementation of this resolution pertaining to the said revised assessment roll shall take effect following ratification of the amended ordinance governing the district through a special election as called for by Resolution No. R- 492-07 on June 5, 2007.

The foregoing was offered by Commissioner Joe A. Martinez who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James K. Kracht