OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

(Public Hearing 7-10-07)

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2007

Agenda Item No. 5(F)

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

From: George M. Burgess
County Manager

Subject: Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District

O#07-90

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District. The creation of this District is pursuant to Public Works Department policy. The multipurpose maintenance program will remain dormant until such time as any Homeowners Association or Community Development District (CDD) fails to provide the required maintenance services.

Scope

This proposed special taxing district lies within Commission District Ten (10) and will provide multipurpose maintenance services, if and when necessary.

Fiscal Impact/Funding Source

Creation of this District will result in no economic impact on the County's budget. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the District upon acceptance of the plat required improvements by Miami-Dade County and upon the failure of any Homeowners Association or CDD to provide the required maintenance services. Such services will be funded by special assessments against benefited property.

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 District, if and when necessary.

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

Track Record/Monitoring

In the event any Homeowners Association or CDD fails to provide maintenance services, the Miami-Dade County Park and Recreation and Public Works Departments will provide the District's required maintenance services and cause implementation of special assessments for the costs of such services against benefited property, as well as contract monitoring, compliance and enforcement.

Background

Boundaries:	On the North, State Road #836 (Dolphin Expressway); On the East, theo. NW 89th Court and theo. NW 87th Place; On the South, West Flagler Street and theo. NW 4th Terrace; On the West, theo. NW 105th Court.
Number of Parcels:	8 (Tentative plat proposes 212 buildable townhouse and 1,624 condominium units).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None - The petition was submitted by Fontainebleau Lakes, LLC., the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Required Referendum:	The creation of this District will be subject only to BCC approval; no election will be necessary as 100 percent of the owners signed the petition.
Preliminary Assessment Roll:	In the event any Homeowners Association or CDD fails to provide the maintenance services below, and contingent upon BCC approval of this District's creation ordinance, a hearing to adopt the multipurpose maintenance 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.

Proposed Service and Improvements

Multipurpose Maintenance Services:	The creation of this District is requested to maintain the landscaped areas, swales, lakes, entrance features, and the ingress/egress tracts (Tracts B, L, N, and R) within the District boundaries should any Homeowners Association or CDD fail to provide these services. Failure to provide maintenance within the private road area is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.
Estimated Initial Billing:	Assessment billed annually as an itemized portion of the annual tax bill.

INITIAL START OF SERVICE

Multipurpose Maintenance Services: October 1st following cessation of maintenance services by the developer and failure of any Homeowners Association or CDD to provide services.

METHOD OF APPORTIONMENT

Maintenance Services:	Square Footage	
ESTIMATED ANNUAL TOTAL COST	**First Year**	**Second Year**
Maintenance Services:	$2,724,040	$2,371,470
ESTIMATED ANNUAL RATES	**First Year**	**Second Year**
Maintenance Services:	$0.7066	$0.6151
ESTIMATED ANNUAL ASSESSMENTS	**First Year**	**Second Year**
Maintenance Services:		
For A Typical Condominium Unit:	$1,802	$1,569
For A Typical Townhouse Unit:	$1,593	$1,386

The annual assessments shown above are representative of costs for typical condominium and townhouse units within this District

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.

In compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this District be created pursuant to Section 18-22.1 of the Code.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 5(F)

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**

5

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(F)
7-10-07

ORDINANCE NO. 07-90

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape improvement and maintenance programs, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing maintenance of landscaped areas, swales, lakes, entrance features, and the ingress/egress tracts (Tract B,L, N and R) to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed 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 of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the maintenance programs to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each square foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries

and location of the proposed district. Such "Report and Recommendations" of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owner/developer/petitioner and the report and recommendations of the County Manager -- said hearing was held on Tuesday, July 10, 2007 . Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, July 10, 2007 , held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code,

NOW, THEREFORE, 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 of Miami-Dade County, Florida, a special taxing district to be known and designated as the

FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County, Florida.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

> A portion of Sections 4 and 5, Township 54 South, Range 40 East, Miami-Dade County, Florida; and Government Lots 4 and 5, Townships 53 and 54 South, Range 40 East, Miami-Dade County, Florida (a.k.a. Fontainebleau East, Tentative Plat #T-22513 and Fontainebleau West, Tentative Plat # T-22514); being more particularly described as:
>
> Tracts F and G, being all of "Fontainebleau Park West Section Three" according to the Plat thereof, as recorded in Plat Book 103, at Page 96 of the Public Records of Miami-Dade County, Florida.
>
> And
>
> Tracts 1, 2, 3, 4 and 7, "Fontainebleau Park Subdivision Section One", according to the Plat thereof, as recorded in Plat Book 90, at Page 56, of the Public Records of Miami-Dade County, Florida;
>
> And
>
> Commence at the northwest corner of said Section 4; thence N 89° 58' 50" E for 95.06 feet to the Point-of-Beginning; thence N 89° 58' 50" E for 35.55 feet; thence S 08° 57' 20" W for 7.93 feet; thence S 02° 06' 50" E for 58.87 feet; thence S 89° 42' 20" W for 35.02 feet; thence N 02° 06' 50" W for 66.59 feet to the Point-of-Beginning.
>
> And
>
> Commence at the southeast corner of said Government Lot 4; thence S 89° 58' 36" W for 1,490.13 feet to the Point-of-Beginning; thence N 01° 53' 09" E for 1,035.40 feet; thence N 87° 00' 00" W for 160.03 feet; thence S 01° 53' 09" W for 1,043.86 feet; thence S 89° 58' 20" E for 160.09 feet to the Point-of-Beginning.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The service to be provided within this proposed special taxing district will initially consist of the following:

Maintenance of landscaped areas, swales, lakes, entrance featurtes, and the ingress/egress tracts (Tracts B, L, N, and R) within the District boundaries should any Homeowners Association or CDD fail to provide these services. Failure to provide maintenance within the private road area is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.

Section 4. The estimated cost to the property owners for the maintenance and operation of the district's improvements and/or services including engineering, administration, billing, collecting and processing for the first year is $2,724,040, and $2,371,470 for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district is $0.7066 for the first year, and $0.6151 for the second year. The second and succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed 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. Miami-Dade County, as administrator of this district's maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Manager's report which is made a part hereof by reference. If there is a proposed significant change to the level of services to be provided, the Park and Recreation Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of services.

Section 7. The County Manager is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the district in accordance with the provisions of this Ordinance. However, multipurpose maintenance services will be provided by the taxing district in accordance with the provisions of this ordinance only if a Homeowners Association and, if applicable, a community development district, have failed to provide these maintenance services and the County has adopted this district's multipurpose maintenance assessment roll.

Section 8. The County Manager is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 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 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. In accordance with utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

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. The provisions of this Ordinance shall become effective ten (10) 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: July 20, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James K. Kracht

REPORT AND RECOMMENDATIONS ON THE CREATION OF FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are hereby submitted concerning the creation of Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed District is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

A portion of Sections 4 and 5, Township 54 South, Range 40 East, Miami-Dade County, Florida; and Government Lots 4 and 5, Townships 53 and 54 South, Range 40 East, Miami-Dade County, Florida (a.k.a. Fontainebleau East, Tentative Plat # T-22513 and Fontainebleau West, Tentative Plat # T-22514); being more particularly described as:

Tracts F and G, being all of "Fontainebleau Park West Section Three" according to the Plat thereof, as recorded in Plat Book 103, at Page 96 of the Public Records of Miami-Dade County, Florida.

And

Tracts 1, 2, 3, 4 and 7, "Fontainebleau Park Subdivision Section One", according to the Plat thereof, as recorded in Plat Book 90, at Page 56, of the Public Records of Miami-Dade County, Florida;

And

Commence at the northwest corner of said Section 4; thence N 89° 58' 50" E for 95.06 feet to the Point-of-Beginning; thence N 89° 58' 50" E for 35.55 feet; thence S 08° 57' 20" W for 7.93 feet; thence S 02° 06' 50" E for 58.87 feet; thence S 89° 42' 20" W for 35.02 feet; thence N 02° 06' 50" W for 66.59 feet to the Point-of-Beginning.

And

Commence at the southeast corner of said Government Lot 4; thence S 89° 58' 36" W for 1,490.13 feet to the Point-of-Beginning; thence N 01° 53' 09" E for 1,035.40 feet; thence N 87° 00' 00" W for 160.03 feet; thence S 01° 53' 09" W for 1,043.86 feet; thence S 89° 58' 20" E for 160.09 feet to the Point-of-Beginning.

The boundaries are shown on the attached plan entitled Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District and hereinafter referred to as Exhibit A.

2. LOCATION AND DESCRIPTION OF DISTRICT

The creation of this District is requested to provide the services specified below regarding maintenance of the landscaped areas, lakes, entrance features, swales, and the ingress/egress tracts (Tracts B, L, N and R). Service will commence following failure of any Homeowners Association or CDD to provide these services. Miami-Dade County may activate the District by adoption of the District's assessment roll at a subsequent public hearing.

3. ESTIMATED COST FOR THIS DISTRICT

The proposed District is to be created to provide maintenance only in the event that any Homeowners Association or CDD fails to provide the services as described in Item 2 above. Following commencement of services by the District, any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by Miami-Dade County as administrator. The deletion of services is subject to maintaining a minimum level of services as determined by the Miami-Dade County Public Works Department.

The County may elect, due to the location and type of maintenance required, to provide landscape maintenance services utilizing an open contract for swale maintenance when significant service cost savings can be realized.

A cost estimate developed by the Public Works Department, based on estimates previously provided by the Park and Recreation Department for similar maintenance taxing districts, indicates the annual cost for the initial maintenance program to be $1,963,820 for the first and second years. In addition to that cost, it will be necessary for the County to recover the administrative, processing, billing, and advertising costs incurred in establishing and maintaining the District as provided by Chapter 18 of the Code, as well as provide for contingency and discount costs. This cost is estimated to be $760,220 the first year and $407,650 the second year. An annual meeting will be conducted with the owners of real property wthin the District as an integral part of the annual budget process. This will enable Miami-Dade County, as

administrator, to secure suggestions from affected community representatives or association to improve delivery and lower costs of the services provided within the scope of the District's authorized functions as specified in Item 2 above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of assessment for any changes.

Miami-Dade County shall determine the minimum service level (property owners may not delete maintenance altogether).

ESTIMATED ANNUAL COSTS

	First Year	Second Year
Initial Annual Maintenance	$1,963,820	$1,963,820
Administrative, Processing, Billing and Advertising Costs	404,910	294,720
Contingency/Discount	355,310	112,930
Total Estimated Cost to District	$2,724,040	$2,371,470

The above costs are estimated and will be adjusted annually based on actual experience.

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The proposed maintenance program is desirable, needed, and in my opinion, provides special benefits to property within the District exceeding the amount of special assessment to be levied upon implementation of the District.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

This District will be held dormant until such time as stated above. Shown below is an estimate of costs if service were to commence in 2007. These costs are included for report purposes only, actual

costs to provide services will be determined and presented to the BCC at the assessment roll hearing. The combined cost of the maintenance program, processing and administrative expenses as shown in Item 3 above is to be paid for by special assessments levied against all benefited properties and is to be apportioned to individual properties within the District on the basis of lot or parcel square footage. The cost per assessable square foot to be assessed for this service is estimated as follows:

	First Year	**Second Year**
Estimated Total District Cost	$2,724,040	$2,371,470
Estimated Total Assessable Property Square Footage	3,855,173	3,855,173
Estimated Cost Per Square Foot of Property	$0.7066	$0.6151
SAMPLE ASSESSMENTS		
Per Year For A Typical Condominium Unit:	$1,802	$1,569
Per Year For A Typical Townhouse Unit:	$1,593	$1,386

The annual assessments shown above are representative of costs for typical condominium and townhouse units within this District. These costs are based on the above estimated total assessable property square footage and will be adjusted based on costs of services provided at the time of District implementation.

7. RECOMMENDATION

I recommend that Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District be created pursuant to Section 18-22.1 of the Code, as 100% of the property owners have signed the petition and no referendum is required. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Fontainebleau East and Fontainebleau West Multipurpose Maintenance Special Taxing District. Pursuant to Section 18-22.1 of the Code, the BCC shall receive and hear, at a public hearing, remarks by interested persons on this District, and thereafter may adopt such ordinance. Following failure of any Homeowners Association or CDD to provide these services, the BCC shall adopt the District's assessment roll to fund these services.

Adoption of an assessment roll resolution will enable the Miami-Dade County Tax Collector to collect the funds necessary to reimburse affected County Agencies involved in the creation and establishment of this District, as well as operate and maintain this District. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Manager forward this report to the BCC after he has reviewed it and concurred with our findings.

Encls:
(1) Copy of Petition and Attachments
(2) Copy of Memo from Department of Planning and Zoning
(3) District Boundary Map (Exhibit A)

Memorandum

Date: June 30, 2006

To: Kay M. Sullivan, Director
Office of the Clerk of the Board
Attn: Felicia Hurst

From: Donald L. Tock, Jr.
Acting Chief
Special Taxing Districts Division

Subject: Fontainebleau East Multipurpose Maintenance and Street Lighting Special Taxing District

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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 Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his 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	6
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

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

cc: James Kracht

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Acting Chief, Special Taxing

FROM: James K. Kracht
Assistant County Attorney

DATE: July 24, 2006

SUBJECT: Fontainebleau East
Multipurpose Maintenance and
Street Lighting
Special Taxing District

Please be advised that I have reviewed the above referenced petition, as resubmitted, and find it to be legally sufficient, provided that the lake to be maintained by the taxing district is accessible to the public and that the wall to be maintained is adjacent to or accessible from the public right of way.

JKK/cg

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

24-06
ocument Preparation
ate

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

the Board of County Commissioners of Miami-Dade County, Florida:

e, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(quired by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the followin stallation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concret er glass or existing poles; landscape, lake, wall, entrance features and other maintenance services shall be more fully described on th ached Exhibit B. The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more full scribed on the attached Exhibit A.

ntative Plat(s) Name(s) Fontainebleau East

is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will b viewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall b accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
			30-3054-000-0101
Fontainebleau Lake,			30-4004-001-0030
L.L.C.	5835 Blue Lagoon Drive		30-4004-001-0040
	Miami, Florida 33126	MORE FULLY	30-4004-001-0070
		DESCRIBED ON	30-4004-001-0010
		THE ATTACHED	30-4004-001-0020
Masoud Shojaee		"EXHIBIT A"	
President			

ACE NOTARY STATEMENT AND STAMP HERE :

Sworn to and subscribed before me this 24th day of April, 2006, by Masoud Shojaee, who is personally known to me or produced _____ as identification.

J. PONCE
Notary Public - State of Florida
My Commission Expires Dec 17, 2008
Commission # DD 347592
Bonded By National Notary Assn.

NOTARY PUBLIC, State of Florida
My name, Commission No. & Expiration:

DEPARTMENTAL ACCEPTANCE D
(GOVERNMENT USE O

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S) KNOWN AS **FONTAINEBLEAU EAST.** DATED **APRIL 24TH 2006** FOR THE CREATION OF SPECIAL TAXING DISTRICT(S).

LEGAL DESCRIPTION: FOUNTAINBLEAU EAST PLAT

TRACTS 1, 2, 3, 4 AND 7, "FONTAINBLEAU PARK SUBDIVISION SECTION ONE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 56, OF THE PUBLIC RECORDS OF DADE COUNTY

TOGETHER WITH:
A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN NORTH 89°58'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.06 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTH 89°58'50" EAST ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF [illegible] FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" "BLUE FONTAINE TRACT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 08°57'20" WEST, ALONG THE WEST LINE OF TRACT "F" FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN SOUTH 02°06'50" EAST, ALONG SAID WEST LINE
OF TRACT "F" FOR A DISTANCE OF [illegible] FEET TO THE SOUTHWEST CORNER OF SAID TRACT "F" (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 89°42'20" WEST, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTH 02°06'50" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF [illegible] FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT
ALSO BEING THE POINT OF BEGINNING).

TOGETHER WITH:
A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE SOUTH 89°58'36" WEST 1490.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°53'09" EAST [illegible] FEET; THENCE NORTH 87°00'00" WEST 160.03 FEET; THENCE SOUTH 01°53'09" WEST [illegible] FEET; THENCE SOUTH 89°58'20" EAST 160.09 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

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EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS FONTAINEBLEAU EAST DATED APRIL 24TH 2006, FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR STREET LIGHTING, LANDSCAPE, WALL AND LAKE MAINTENANCE.

AREAS TO BE MAINTAINED:

WALL, SWALE AND ENTRANCE FEATURES ALONG: FONTAINEBLEAU BLVD., ABUTING THE SUBJECT PROPERTY, ADJACENT TO PUBLIC-RIGHT-OF-WAY

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.

B.) TREES/SHRUBS
- 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
- 2.) REPLACE AS REQUIRED

C.) WALL MAINTENANCE
- 1.) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED

D.) LAKE MAINTENANCE TO INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS, AQUATIC WEEDS, PLANTS AND ALGAE BY CHEMICAL AND/OR MECHANICAL MEANS AS NEEDED.

IMPROVEMENTS BY DEVELOPER FOR EACH LAKE:

A.) A 2 SPACE PARKING AREA ADJACENT TO THE RIGHT OF WAY.

B.) 12' WIDE IMPROVED BOAT RAMP TO EXTEND INTO THE WATER SUFFICIENT TO ALLOW A 3' LAUNCHING DEPTH AT MEDIAN LAKE WATER LEVEL.

C.) A LOCKING SWINGING GATE, 12 FT. WIDE WITH REMOVABLE GUARDRAIL.

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASES 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 HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRIC 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:

PARKS, LAKES AND COMMON AREAS: TRACTS "B", "C", "D", "H", "L", "M", "P", "R", "T", "V", "W", AND "X"

Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2006

To: Kay M. Sullivan, Director
Office of the Clerk of the Board
Attn: Felicia Hurst

From: Donald L. Tock, Jr.
Acting Chief
Special Taxing Districts Division

Subject: Fontainebleau West Multipurpose Maintenance and Street Lighting Special Taxing District

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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 Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his 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	2
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

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

cc: James Kracht

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Acting Chief, Special Taxing

FROM: James K. Kracht
Assistant County Attorney

DATE: July 24, 2006

SUBJECT: Fontainebleau West
Multipurpose Maintenance and
Street Lighting
Special Taxing District

Please be advised that I have reviewed the above referenced petition, as resubmitted, and find it to be legally sufficient, provided that the lake to be maintained by the taxing district is accessible to the public and that the wall to be maintained is adjacent to or accessible from the public right of way.

JKK/cg

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

1-24-06
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Departmental Acceptance D
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

the Board of County Commissioners of Miami-Dade County, Florida:

e, the undersigned property owners, do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(quired by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the followin stallation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concret er glass or existing poles; landscape, lake, wall, entrance features and other maintenance services shall be more fully described on th ached Exhibit B. The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more full scribed on the attached Exhibit A.

ntative Plat(s) Name(s) Fontainebleau West

is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will b viewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall b accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
			30-3055-015-0010
Fontainebleau Lake,			30-3055-015-0
LLC.	5835 Blue Lagoon Drive		
	Miami, Florida 33126	MORE FULLY	
		DESCRIBED ON	
		THE ATTACHED	
Masoud Shojaee		"EXHIBIT A"	
President			

LACE NOTARY STATEMENT AND STAMP HERE :

Sworn to and subscribed before me this 24th day of April, 2006, by Masoud Shojaee, who is personally known to me or produced _____ as identification.

J. PONCE
Notary Public - State of Florida
My Commission Expires Dec 17, 2008
Commission # DD 347592
Bonded By National Notary Assn.

NOTARY PUBLIC, State of Florida
My name, Commission No. & Expiration:

DEPARTMENTAL ACCEPTANCE
(GOVERNMENT USE (

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S) KNOWN AS **FONTAINEBLEAU WEST.** DATED **APRIL 24TH 2006** FOR THE CREATION OF SPECIAL TAXING DISTRICT(S).

TRACTS F & G, BEING ALL OF "FONTAINEBLEAU PARK WEST SECTION THREE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, AT PAGE 96 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS FONTAINEBLEAU WEST DATED APRIL 24TH 2006, FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR STREET LIGHTING, LANDSCAPE, WALL AND LAKE MAINTENANCE.

AREAS TO BE MAINTAINED:

WALL, SWALE AND ENTRANCE FEATURES ALONG: NORTH SIDE OF WEST FLAGLER STREET, EAST SIDE OF NW 97TH AVENUE AND FONTAINEBLEAU BLVD., ABUTING THE SUBJECT PROPERTY, ADJACENT TO PUBLIC-RIGHT-OF-WAY

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.

B.) TREES/SHRUBS
- 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
- 2.) REPLACE AS REQUIRED

C.) WALL MAINTENANCE
- 1.) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED

D.) LAKE MAINTENANCE TO INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF DEBRIS, AQUATIC WEEDS, PLANTS AND ALGAE BY CHEMICAL AND/OR MECHANICAL MEANS AS NEEDED.

IMPROVEMENTS BY DEVELOPER FOR EACH LAKE:

A.) A 2 SPACE PARKING AREA ADJACENT TO THE RIGHT OF WAY.

B.) 12' WIDE IMPROVED BOAT RAMP TO EXTEND INTO THE WATER SUFFICIENT TO ALLOW A 3' LAUNCHING DEPTH AT MEDIAN LAKE WATER LEVEL.

C.) A LOCKING SWINGING GATE, 12 FT. WIDE WITH REMOVABLE GUARDRAIL.

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASES 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 HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRIC 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:

PARKS, LAKES AND COMMON AREAS: TRACTS "A", "C", "H", "M", "T", "U", "BB", "DD", "EE", "GG", "HH", "JJ", "KK", "LL", AND "MM"

MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

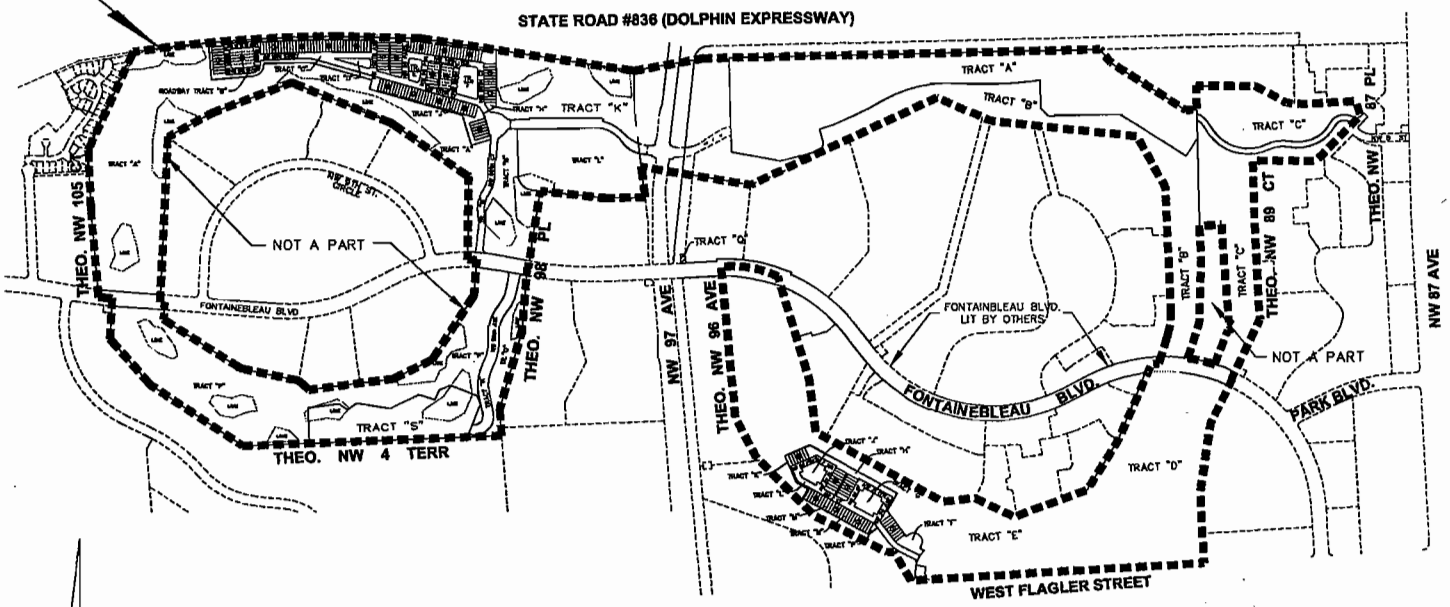
Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts 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 as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). 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 Department of Planning and Zoning (DP&Z) 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 DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS

DISTRICT BOUNDARIES



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FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

SEE ATTACHED SHEETS FOR SERVICE DESCRIPTIONS AND LOCATIONS

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M-589 (COMM. 0010)
SECTION: 04 & 05-54-40 & GOV'T LOTS 4 & 5-53/54-40

EXHIBIT "A"

ATTACHMENT TO EXHIBIT "A"

FONTAINEBLEAU EAST AND FONTAINEBLEAU WEST MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTIRCT

AREAS TO BE MAINTAINED:

SWALES, LAKES AND ENTRANCE FEATURES.

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.

B) TREES/SHRUBS
   1) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
   2) REPLACE AS REQUIRED.

C) LAKE MAINTENANCE TO INCLUDE, BUT NOT LIMITED TO, REMOVAL OF DEBRIS, AQUATIC WEEDS, PLANTS AND ALGAE BY CHEMICAL AND/OR MECHANICAL MEANS AS NEEDED.

NOTE: THE 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 (TRACTS B, L, N AND R), LAKES, PARKS AND COMMON AREAS: TRACTS "A", "B", "C', "D", "H", "L", "M", "P", "R", "T", "U", "V", "W', "X", "BB", "DD", "EE", "GG", "HH", "JJ", "KK", "LL" AND "MM".