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

# MEMORANDUM

Agenda Item No. 7(A)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** October 19, 2010

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

**SUBJECT:** Ordinance changing the boundaries of the City of Sweetwater, Florida

Ordinance No. 10-70

**The substitute differs from the original ordinance by combining the three subareas proposed for annexation to the City of Sweetwater into a single legal description. Accordingly, the map of the annexation included in "Attachment B" has been modified to reflect this single legal description.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Board of County Commissioners.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

# Memorandum

MIAMI-DADE COUNTY

**Date:** October 19, 2010

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Ordinance changing the boundaries of the City of Sweetwater and amending the charter by providing for the annexation of certain lands

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As noted in the item approved by the Board of County Commissioners (BCC) at the June 3, 2010 meeting relating to the City of Sweetwater's proposed annexation, the annexation area's taxable value for the 2009 Tax Roll is $1.022 billion. Based on the FY 2009-10 City of Sweetwater millage rate of 3.9252 mills, the ad valorem revenues attributable to the annexation area would be $3,812,790. At the current Unincorporated Municipal Service Area (UMSA) millage rate of 2.0083 mills, the ad valorem revenues attributable to the annexation area would be $1,950,786. The expected tax increase to the entire annexation area would be $1,862,004. It is important to note that the average homeowner would pay an additional $252 in taxes if this annexation is approved.

The proposed annexation area, as part of UMSA generates an estimated $2,923,256 in revenue. The County spends an estimated $3,490,547 per year providing services such as police, public works and planning and others to that area. Therefore, the net revenue gain to the UMSA budget is an estimated $567,292 positive fiscal impact to the County. It is important to note that while UMSA spends approximately $3.5 million in providing services to the area, if the annexation is approved there are expenses that may continue to occur.

A portion of the annexation area is part of the Airport West CBI. When looking only at the CBI area, there is a negative fiscal impact resulting in a net loss to UMSA of approximately $674,628. Although initially the annexation as a whole will have a positive fiscal impact to UMSA, eventually, as the vacant lots are developed within the Commercial Business Industrial (CBI) area, the impact may become negative. The CBI portion of the annexation area consists of 935 real estate folios of which 693 are vacant parcels. The future taxable value of the vacant parcels, based on the average taxable value of the developed parcels today, have the potential to possibly generate an additional $218 million in taxable value if developed in the same manner as the existing developed parcels. At today's UMSA millage rate of 2.0083, this would result in an additional $440,000 in ad valorem revenues and additional revenues attributable to developed property.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management

Fls06710

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** October 19, 2010

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

**SUBJECT:** Agenda Item No. 7(A)

**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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
10-19-10

ORDINANCE NO. 10-70

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; EXEMPTING THE ANNEXATION FROM SECTION 20-28 OF THE CODE OF MIAMI-DADE COUNTY REQUIRING MUNICIPALITIES TO MAKE CERTAIN PAYMENTS TO THE COUNTY WHEN ANNEXING COMMERCIAL, BUSINESS AND INDUSTRIAL ("CBI") AREAS; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. The municipal boundaries of the City of Sweetwater are herby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Sweetwater of the following property:

**Annexation by the City of Sweetwater**

**Legal Description**

[[~~SUBAREA I:~~

~~Beginning at the City's Western boundary on the North side of West Flagler Street, then North to N.W. 1st Terrace, then East along the City's boundary line to~~

~~N.W. 112th Avenue, then North to N.W. 7th Street, then West to N.W. 114th Avenue, then South to N.W. 2nd Street, then West to N.W. 116Avenue, then South to West Flagler Street, then East to the point of beginning.~~

~~SUBAREA 2~~

~~Beginning on N.W. 110th Avenue and N.W. 7th Street, then North to SR 836, then West to the Snapper Creek Canal, then South to West Flagler Street, then East to N.W. 116th Avenue, then North to N.W. 2 Street, then East to N.W. 114th Avenue, then North to N.W.7th Street, then East to the point of beginning.~~

~~SUBAREA 3~~

~~Beginning at the intersection of N.W. 107th Avenue and SR836, then West to the Snapper Creek Canal, then North to N.W. 25th Street, then East to N.W. 107th Avenue, then South to the point of beginning~~.]]

>>Portions of Section 31, Township 53 South, Range 40 East, Section 6, Township 54 South, Range 40 East and Government Lot 6, between Townships 53 and 54 South, Range 40 East, lying in Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the intersection of the south line of the Northwest 1/4 of Section 6, Township 54 South, Range 40 East, also being the centerline of West Flagler Street, with the southerly projection of the west line of the East 1/2 of said Lots 7 and 8, Block 25 of SWEETWATER GROVES, according to the plat thereof recorded in Plat Book 8, Page 50 of the Public Records of Miami-Dade County, Florida; thence northerly along said southerly projection and said west line of the East 1/2 of Lots 7 and 8, Block 25 to the Northwest corner of the East 1/2 of said Lot 7, Block 25; thence easterly along the north line of said Lot 7, Block 25 and its easterly projection to the southwest corner of Lot 6, Block 24 of said SWEETWATER GROVES; thence northerly along the west line of said Block 24 and its extension, being 15 feet east of and parallel to both the west line of the Northeast 1/4 of said Section 6 and the centerline of NW 112 Avenue, to the intersection with the north line of said Northeast 1/4 of Section 6; thence easterly along said north line of the Northeast 1/4 of Section 6, also being the centerline of NW 7 Street, to the intersection with the southerly projection of the east line of Tract "A", EURO SUBDIVISION, according to the plat thereof recorded in Plat Book 134, Page 43 of the Public Records of Miami-Dade County, Florida; thence northerly along said southerly projection and the east line of Tract "A" to the northeast corner of said Tract "A" and the southerly limited access right of way line of State Road 836 as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence easterly along said southerly limited access right of way line to the intersection with the east line of said Government Lot 6; thence northerly along said east line of Government Lot 6 and the east line

of said Section 31, also being the centerline of NW 107 Avenue, to the intersection with the north right of way line of NW 25 Street; thence westerly along said north right of way line of NW 25 Street, also being 60 feet south of and parallel with the north line of said Section 31, to the intersection with the west line of said Section 31; thence southerly along the west line of said Section 31 to the intersection with the north line of said Government Lot 6; thence easterly along said north line of Government Lot 6 to the intersection with the east line of a 130 foot wide canal reservation as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence southerly along said east line of said canal reservation, also being 130 feet east of and parallel to the west line of said Government Lot 6, to the intersection with the north line of said Section 6; thence easterly along the north line of said Section 6 to the southwest corner of Tract "A" of TORREMOLINOS WEST – PHASE ONE, according to the plat thereof recorded in Plat Book 126, Page 25 of the Public Records of Miami-Dade County, Florida; thence continue easterly along the north line of said Section 6, also being the south line of said Tract "A", for 115.00 feet to the intersection with the easterly limited access right of way line of State Road 836 as shown on State of Florida State Road Department Right of Way Map Section 87200-2521; thence southerly along said easterly limited access right of way line to the intersection with the north line of Tract "A" of ORSA SUBDIVISION, according to the plat thereof recorded in Plat Book 140, Page 61 of the Public Records of Miami-Dade County, Florida; thence westerly along the north line of said Tract "A" to the intersection with the east line of a 40 foot wide canal right of way as shown on said plat of ORSA SUBDIVISION; thence southerly along said east line of 40 foot wide canal right of way to the intersection with the south line of the NW 1/4 of said Section 6; thence easterly along said south line of the NW 1/4, also being the centerline of West Flagler Street, to the POINT OF BEGINNING.<<[1]

encompassing an area described by Resolution No. 3377, passed and adopted by the Commission of the City of Sweetwater, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexed area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

[1] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County, this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. The provisions of Section 20-28 of the Code of Miami-Dade County, requiring an annexing municipality to pay to the County 100% of the net excess of revenues minus expenses attributable to an annexed area designated as a CBI, shall not apply to this annexation.

Section 5. This Ordinance shall be effective only if the City of Sweetwater executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at $39,200 per year for approximately 19 years until FY

28-29 or as provided in the interlocal agreement.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 8. This ordinance shall become effective: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; and (b) filing with the Clerk of this Board, within 30 days after enactment of this ordinance, of a resolution of the City of Doral consenting to the subject City of Sweetwater annexation; and (c) approval by a majority of the electors in the area to be annexed, voting in an election to be called by this Board.

PASSED AND ADOPTED: October 19, 2010

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Craig H. Coller

Prime Sponsor: Board of County Commissioners

# RESOLUTION NO. 3377

**A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, TO PROCEED WITH PLANS FOR ANNEXATION OF ADJACENT UNINCORPORATED AREAS NORTH OF THE CITY OF SWEETWATER AND DESIGNATING THE LAW FIRM OF MIGUEL DE GRANDY, P.A. TO REPRESENT THE CITY OF SWEETWATER IN PREPARATION OF NECESSARY DOCUMENTS AND REPRESENTATION BEFORE MIAMI-DADE COUNTY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Sweetwater is an incorporated municipality contained within the County of Miami-Dade; and,

**WHEREAS,** The City of Sweetwater has very few commercial and industrial areas, thereby creating an inordinate tax burden to finance services for the residents of Sweetwater; and,

**WHEREAS,** The City of Sweetwater's population is composed mainly of middle and lower income hard working families, who cannot afford to fully shoulder the burden of taxes for improvement of services and infrastructure; and,

**WHEREAS,** Adjacent residential communities to the North of the City of Sweetwater would benefit by becoming part of this municipality, thereby improving their police response time and other services; and,

**WHEREAS,** Areas to the North of Sweetwater are currently designated as commercial and industrial, and could assist in balancing the tax base; and,

**WHEREAS,** The City will require the services of experienced legal counsel that is both familiar with the areas contemplated for annexation, as well as the laws and processes related thereto; and,

**WHEREAS,** Miguel De Grandy, President of Miguel De Grandy, P.A. and formerly a Shareholder and head of the Governmental and Administrative Division of Greenberg Traurig (law firm previously retained by Sweetwater for annexation counsel), has a great degree of experience in the particular legal issues presented by the Miami-Dade County Charter; and,

**WHEREAS,** Miguel De Grandy has served as counsel to the City of Coral Gables in their successful efforts to annex unincorporated areas into their City; and,

**WHEREAS,** Miguel De Grandy, P.A. has been retained by the City to do consulting and legal work on this issue:

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the Mayor and Commission of the City of Sweetwater hereby agree to proceed with plans for annexation of adjacent unincorporated lands to the North of the City of Sweetwater as more fully set forth in Exhibit 1 attached to this resolution.

**SECTION 2.** That the law firm of Miguel De Grandy, P.A. is directed to prepare preliminary plans and prepare necessary documents and proceed with representation of the City throughout the annexation process before the Miami-Dade County Commission.

**SECTION 3.** That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

**PASSED AND ADOPTED** this 24th day of November, 2008.

MANUEL MAROÑO, MAYOR

ORLANDO LOPEZ, COMMISSION PRESIDENT

ATTEST:

MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RALPH VENTURA, CITY ATTORNEY

**VOTE UPON ADOPTION:**

| | |
|---|---|
| ORLANDO LOPEZ, COMMISSION PRESIDENT | YES |
| JOSE M. DIAZ, COMMISSION VICE PRESIDENT | YES |
| ARIEL J. ABELAIRAS , COMMISSIONER | YES |
| PRISCA BARRETO, COMMISSIONER | YES |
| JOSE BERGOUIGNAN, JR., COMMISSIONER | ABSENT |
| MANUEL DUASSO, COMMISSIONER | YES |
| JOSE M. GUERRA, COMMISSIONER | YES |

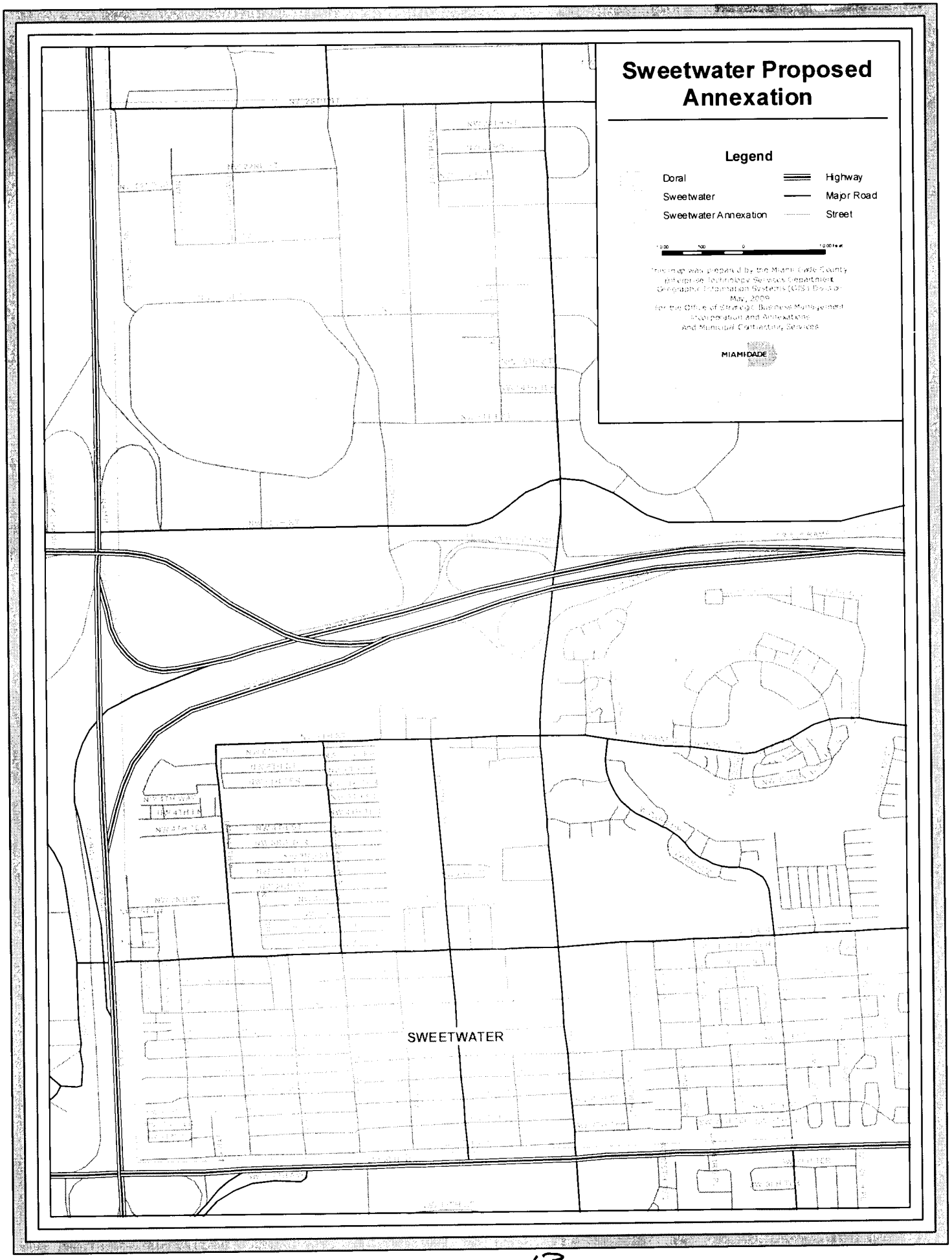
EXHIBIT 1 TO RESOLUTION NO. 3377

The following are boundaries for the three sub-areas of the proposed annexation of unincorporated properties by the City of Sweetwater:

SUB AREA 1: Beginning at the City's Western boundary on the North side of West Flagler Street, then North to N.W. 1st Terrace, then East along the City's boundary line to N.W. 112 Avenue, then North to N.W. 7 Street, then West to N.W. 114 Avenue, then South to N.W. 2 Street, then West to N.W. 116 Avenue, then South to West Flagler Street, then East to the point of beginning.

SUB-AREA 2: Beginning on N.W. 110 Avenue and N.W. 7 Street, then North to SR 836, then West to the Snapper Creek Canal, then South to West Flagler Street, then East to N.W. 116 Avenue, then North to N.W. 2 Street, then East to N.W. 114 Avenue, then North to N.W. 7 Street, then East to the point of beginning.

SUB-AREA 3: Beginning at the intersection of N.W. 107 Avenue and SR836, then West to the Snapper Creek Canal, then North to N.W. 25 Street, then East to N.W. 107 Avenue, then South to the point of beginning.


Sweetwater Proposed Annexation
Legend
Doral
Sweetwater
Sweetwater Annexation
Highway
Major Road
Street
MIAMI-DADE
SWEETWATER