

# Memorandum



(Public Hearing 7-19-11)

**Date:** June 21, 2011

Agenda Item No. 5(A)

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager

Ordinance No. 11-50

**Subject:** Amendment to Resolution No. 9165 to Annex the Venetian Gardens Area to the Carol City Street Lighting Improvement District

## Recommendation

It is recommended that the Board of County Commissioners (BCC), in accordance with Article 1, Sections 18-3 and 18-16(i) of the Miami-Dade County Code, approve an amendment to Resolution No. 9165 (attached), adopted on October 22, 1963, which created and established the Carol City Street Lighting Improvement District, to annex contiguous properties lying wholly within the municipal limits of the City of Miami Gardens (City), and expanding the existing District boundaries in order to provide public street lighting service to the currently unlit Venetian Gardens residential area of the City. On October 27, 2010, the City adopted Resolution No. 2010-180-1362 in support of and in response to a good faith petition drive by residents of the Venetian Gardens area to acquire public street lighting within their neighborhood. If approved by the BCC, all registered voters in the area to be annexed will be afforded the opportunity to ratify the District's amendment by mailed ballot referendum; and notice of such public hearing will be mailed to all properties within the area to be annexed.

## Scope

The area to be annexed to the Carol City Street Lighting Improvement District lies within Commission District 1, and wholly within the municipal limits of the City of Miami Gardens. If approved at public hearing and subsequent referendum, street lighting services to the annexed Venetian Gardens area will be provided by the amended District.

## Fiscal Impact/Funding Source

Annexation of the Venetian Gardens area into the existing Carol City Street Lighting Improvement District will result in no economic impact on the County's budget nor to the property owners within the existing District boundaries. Advancement of funds will result from various departments' expenditures of labor and materials necessary to engineer and administrate the annexation process. All costs incurred will be reimbursed to each department after the BCC's adoption of the District's preliminary assessment roll, ratification of the amending Ordinance by the affected registered voters in the area to be annexed, and collection of the first year's assessment from the annexed area's property owners. Street lighting installation costs for the annexed Venetian Gardens area will be borne solely by those affected property owners. Property owners in the existing Carol City Street Lighting Improvement District will not share in the onetime costs incurred by the annexed area. If this amendment is adopted and ratified, District operational costs will be collected in the District's annual rate and applied uniformly throughout the District's amended geographical boundaries for the second and succeeding years.

The economic impact on the Venetian Gardens residents will be perpetual annual special assessments levied for this improvement. The Florida Power and Light Company is the owner of the street lighting system and will derive revenues from it.

There will be no increase or decrease in County staffing due to this amendment. The private sector may increase its staffing levels to provide the services required by this amendment to the Carol City Street Lighting Improvement District.

**Track Record/Monitoring**

The Public Works Department's Special Taxing Districts Division currently monitors the Florida Power and Light Company's agreement, installation and billing processes and will do so within the expanded boundary of the District if the Carol City Street Lighting Improvement District resolution is amended.

**Background**

**Boundaries:**

On the North, NW 167<sup>th</sup> Street;  
On the East, NW 37<sup>th</sup> Avenue;  
On the South, theo. NW 156<sup>th</sup> Street;  
On the West, NW 42<sup>nd</sup> Avenue.

**Area to be Annexed:**

In Section 17, Township 52 South,  
Range 41 East:

The N  $\frac{3}{4}$  of the E  $\frac{1}{2}$   
of said Section 17;

Less

Tracts 1, 14, 56, and 79 of  
"Revised Plat of Venetian  
Gardens" according to the  
plat thereof, as recorded  
in Plat Book 31 at Page 37;

And Less

The South 200 feet of Tracts 2, 15,  
36, and 57 of said "Revised Plat of  
Venetian Gardens;"

And Less

The South 280 feet of the W  $\frac{1}{2}$  of  
Tract 13, and all of  
Tracts 80 and 91 of said  
"Revised Plat of Venetian  
Gardens;"

And Less

The South 240 feet of the  
E  $\frac{1}{2}$  of Tract 13, all of Tracts  
37 and 55, and the W  $\frac{1}{2}$   
of Tract 78 of said "Revised  
Plat of Venetian Gardens;"

And Less

The South 240 feet of the Canal lying  
between Tracts 37 and 55 of said  
"Revised  
Plat of Venetian Gardens;"

And Less

The South 225 feet of the E ½ of Tract  
78 of said "Revised Plat of Venetian  
Gardens."

All of the aforementioned plats are  
recorded in the Public Records of  
Miami-Dade County, Florida.

**Type of Improvement:**

The installation, operation and maintenance of one hundred  
and forty-four (144) 6,300 lumen sodium vapor bracket-arm  
streetlights mounted on concrete and wooden poles.

**Number of Parcels  
In Annexed Area:**

652

**Preliminary Public Meeting:**

June 2011.

**Required Referendum:**

Every qualified registered voter residing within the area to  
be annexed to the District will be afforded the opportunity to  
vote at an election conducted by mail and estimated to be  
held in the fall of 2011.

**Preliminary Assessment Roll:**

Submitted on the same agenda is a separate agenda item  
for consideration and adoption by the BCC and contingent  
upon BCC approval of this amending ordinance and  
subsequent ratifying referendum. The implementation of the  
assessment roll will be in accordance with the procedures  
defined in Chapter 18 of the Code.

**Estimated Start of Service:**

October 2012.

**Estimated Initial Billing:**

November 2012. Assessment billed annually as an itemized  
portion of the annual tax bill.

**Method of Apportionment:**

Front footage.

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Page 4

**Estimated Annual Assessments  
to Annexed Area Only (652 Parcels)**

	<b><u>First Year</u></b>	<b><u>Second Year</u></b>
Annual Rate:	\$0.6748	\$ 0.4117
For a Typical 75 Foot Interior Lot:	\$50.61	\$ 30.88
For a Typical 137 Foot Corner Lot:	\$92.43	\$ 56.40

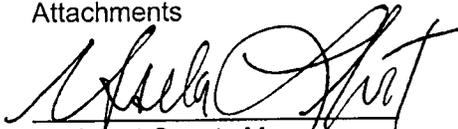
The annual assessments shown above are representative of costs for typical property within the annexed Venetian Gardens area.

State or Federal grants are not applicable to this special taxing district.

For the purpose of providing public street lighting to the Venetian Gardens area, amending Resolution No. 9165 is the most efficient method since there is no burden on the existing District's financial structure due to the annexation of the Venetian Gardens area to the Carol City Street Lighting Improvement District.

In accordance with the requirements of Sections 18-3 and 18-16 (i) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that the Carol City Street Lighting Improvement District boundary be amended to include contiguous property to the south in order to provide public street lighting to those residing therein.

Attachments

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 19, 2011

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

**SUBJECT:** Agenda Item No. 5(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. 5 (A)  
7-19-11

ORDINANCE NO. 11-50

ORDINANCE AMENDING RESOLUTION NO. 9165  
RELATING TO CAROL CITY STREET LIGHTING  
IMPROVEMENT DISTRICT AND ANNEXING THE  
VENETIAN GARDENS AREA PROVIDING AN  
EFFECTIVE DATE

**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 governing body of Miami-Dade County, shall have the power to establish and govern special taxing districts within Miami-Dade County, Florida; and

**WHEREAS**, on October 22, 1963, the Board adopted Resolution No. 9165 establishing the CAROL CITY STREET LIGHTING IMPROVEMENT DISTRICT; and

**WHEREAS**, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, and with City of Miami Gardens support, the residents requested the annexation of the Venetian Gardens area which lies wholly within the municipal limits of the City of Miami Gardens to the existing CAROL CITY STREET LIGHTING IMPROVEMENT DISTRICT; and

**WHEREAS**, in accordance with Chapter 18 of the Code of Miami-Dade County, Florida, City of Miami Gardens Resolution No. 2010-180-1362 approved the creation of a street lighting special taxing district for the Venetian Gardens area within the boundaries of said municipality; and

**WHEREAS**, the services proposed to be provided in the annexed area, like those provided in the existing District, consist of the administration, operation and maintenance of the following:

The installation, operation and maintenance of one hundred and forty-four (144) 6,300 lumen sodium vapor bracket-arm streetlights mounted on concrete and wooden poles.

**WHEREAS**, this Board, pursuant to Sections 18-3 and 18-16(i) of the Code of Miami-Dade County has the authority and power to annex contiguous territory to an existing special taxing district subject to giving notice and holding a hearing in accordance with Section 18-3 of the Code,

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

Section 1. In accordance with the provisions of Chapter 18 and particularly Sections 18-3 and 18-16(i) of the Code of Miami-Dade County, this Board hereby authorizes and approves the annexation of the Venetian Gardens area to the existing CAROL CITY STREET LIGHTING IMPROVEMENT DISTRICT, as created by Resolution No. 9165, and adopted by the Board on October 22, 1963.

Section 2. As amended, the boundaries of the Carol City Street Lighting Improvement District shall be as follows:<sup>1</sup>

Those certain lands in Township 52 South, Range 41 East, Dade County, Florida, particularly described as follows:

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(a) In Section 4, Township 52 South, Range 41 East: Tract 93 of MIAMI GARDENS, Plat Book 2 at Page 96; All of HIGH HOUSE SUBDIVISION, Plat Book 59 at Page 62; ALL of FOURTH ADDITION TO CAROL CITY, Plat Book 65 at Page 122; and ALL of MIAMI GARDENS ESTATES, Plat Book 69 at Page 25; LESS the South 25.00 feet of the West  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 4;

(b) In Section 5, Township 52 South, Range 41 East: The East  $\frac{1}{2}$  of said Section 5 less the North 500 feet of the East 870 feet of the NE  $\frac{1}{4}$  of said Section 5; That part West  $\frac{1}{2}$  of said Section 5 lying South of Carol City Canal A-2 less the West  $\frac{3}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , less the West  $\frac{3}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , less the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and less the West 63.95 feet of the South 820.18 feet of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ;

(c) In Section 6, Township 52 South, Range 41 East: That part of the SW  $\frac{1}{4}$  of said Section 6 more particularly described as follows:

Begin at the Southwest corner of the said SW  $\frac{1}{4}$  ; thence Northerly along the West line of the said SW  $\frac{1}{4}$  to the intersection with the Westerly extension of the North line of Lot 29 in Block 132 of SIXTH ADDITION TO CAROL CITY, Plat Book 68 at Page 54; thence Easterly along the north line extended of said Lot 29 to the Northeast corner thereof; thence Northerly along the West line of Lot 30 in said Block 132 to the Northwest corner of said Lot 30; thence Easterly along the North line extended of Lots 30 through 44 in said Block 132 to the center line of NW 49<sup>th</sup> Avenue, as shown on the said Plat of SIXTH ADDITION TO CAROL CITY; thence Southerly along the center line of NW 49<sup>th</sup> Avenue to the South line of the said SW  $\frac{1}{4}$  of Section 6; thence Westerly along the South line of the said SW  $\frac{1}{4}$  to the Point of Beginning;

(d) In Section 7, Township 52 South, Range 41 East: All of said Section 7 less that part of the SW  $\frac{1}{4}$  lying South of the North line extended of Tract A of CAROL CITY RED ROAD MANOR, Plat Book 68 at Page 11 and West of the East line extended of said Tract A;

(e) All of Section 8, Township 52 South, Range 41 East;

(f) All of Section 9, Township 52 South, Range 41 East;

(g) In Section 16, Township 52 South, Range 41 East: The East ½ of said Section 16; and that part of the East 998.78 feet of the SW ¼ of said Section 16 lying South of Biscayne Canal.

>>(h) In Section 17, Township 52 South, Range 41 East:

The N ¾ of the E ½ of said Section 17;

Less

Tracts 1, 14, 56, and 79 of "Revised Plat of Venetian Gardens" according to the plat thereof, as recorded in Plat Book 31 at Page 37;

And Less

The South 200 feet of Tracts 2, 15, 36, and 57 of said "Revised Plat of Venetian Gardens;"

And Less

The South 280 feet of the W ½ of Tract 13, and all of Tracts 80 and 91 of said "Revised Plat of Venetian Gardens;"

And Less

The South 240 feet of the E ½ of Tract 13, all of Tracts 37 and 55, and the W ½ of Tract 78 of said "Revised Plat of Venetian Gardens;"

And Less

The South 240 feet of the Canal lying between Tracts 37 and 55 of said "Revised Plat of Venetian Gardens;"

And Less

The South 225 feet of the E ½ of Tract 78 of said  
“Revised Plat of Venetian Gardens.”

All of the aforementioned plats are recorded in the  
Public Records of Miami-Dade County, Florida.<<

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

The installation, operation and maintenance of one hundred and forty-four (144) 6,300 lumen sodium vapor bracket-arm streetlights mounted on concrete and wooden poles.

Section 4. The installation of such street lighting project in the annexed area will be accomplished pursuant to an agreement between Miami-Dade County and the Florida Power and Light Company. The proposed Street Lighting agreement between Miami-Dade County and Florida Power and Light Company for the annexed Venetian Gardens area is hereby approved and made part hereof by reference, and the County Mayor or designee and the Clerk or Deputy Clerk of the County Commission are hereby authorized and directed to execute said agreement for and on behalf of Miami-Dade County.

Section 5. Where not contrary to the provisions and intent of this Ordinance, the provisions of Resolution No. 9165 are adopted, incorporated herein, and fully applicable to the newly annexed property described in Section 2 above.

Section 6. The services to be provided and the method of distributing the cost of such services in the annexed area shall be as described in Resolution No. 9165.

Section 7. The administrative and election costs to process this annexation request to the Board of County Commissioners, as well as the one-time Florida Power and Light Company charges to install the street lighting project for the first year is estimated to

be \$ 0.6748 per front foot and shall be collected from the property owners within the proposed annexed area. The cost of furnishing electric energy to the annexed street lighting project, together with the costs of service, maintenance, and administration for handling billing, collecting assessments, and processing for the second year is estimated to be \$0.4117 per front foot. The succeeding years' assessments will be adjusted from actual experience.

Section 8. The County Mayor is authorized and directed to cause the installation of the required street lights to be accomplished within the annexed Venetian Gardens area in accordance with the provisions of said agreement and with the terms of this Ordinance.

Section 9. The County Mayor 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, for the Venetian Gardens area to cover the initial installation and service costs. 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 not paid, when due, the potential for loss of title to the property exists.

Section 10. 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 11. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by Resolution, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and an approval by a majority of those voting at the election referred to herein.

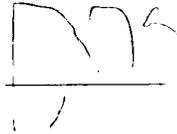
PASSED AND ADOPTED: July 19, 2011

Approved by County Attorney as  
to form and legal sufficiency:



A handwritten signature in black ink, appearing to read "J. K. Kracht", written above a horizontal line.

Prepared by:



A handwritten signature in black ink, appearing to read "J. K. Kracht", written above a horizontal line.

James K. Kracht

RESOLUTION No. 2010-180-1362

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS URGING THE MIAMI-DADE COUNTY MAYOR TO PETITION THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE CREATION OF A STREET LIGHTING SPECIAL TAXING DISTRICT FOR THE VENETIAN GARDENS AREA, AS SHOWN ON EXHIBIT "A" ATTACHED HERETO; APPROVING SUCH ACTION BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS PURSUANT TO CHAPTER 18 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR INSTRUCTIONS TO THE CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Venetian Gardens area of the City suffers from poor street lighting, and

WHEREAS, residents of the Venetian Gardens community have often complained of the fact that the poor street lighting in the neighborhood has affected the health, safety and welfare of their families, especially their children, and

WHEREAS, despite efforts to initiate a petition for the purpose of establishing a special taxing district for lighting, due to the large number of absentee owners, petition drives have been unsuccessful, and

WHEREAS, the City does not have the authority to create special taxing districts; all such districts must be approved by Miami-Dade County, and

WHEREAS, in accordance with Section 18-3 of the Miami-Dade County Code of Ordinances, the County Mayor has the authority to initiate a petition for the creation of a special taxing district, and

Resolution No. 2010-180-1382

WHEREAS, the City Council of the City of Miami Gardens would like to petition the Mayor of Miami Dade County to initiate a special taxing district for lighting within the Venetian Gardens neighborhood,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens does hereby petition the Mayor of Miami-Dade County to initiate the creation of a street lighting special taxing district for the Venetian Gardens area, more specifically described on Exhibit "A" attached hereto.

Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby directed to provide a certified a copy of this Resolution to the members of the Miami-Dade County Board of County Commissioners.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON OCTOBER 27, 2010.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

Resolution No. 2010-180-1362

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: Councilman Oliver Gilbert III

MOVED BY: Councilman Gilbert  
SECOND BY: Councilwoman Davis

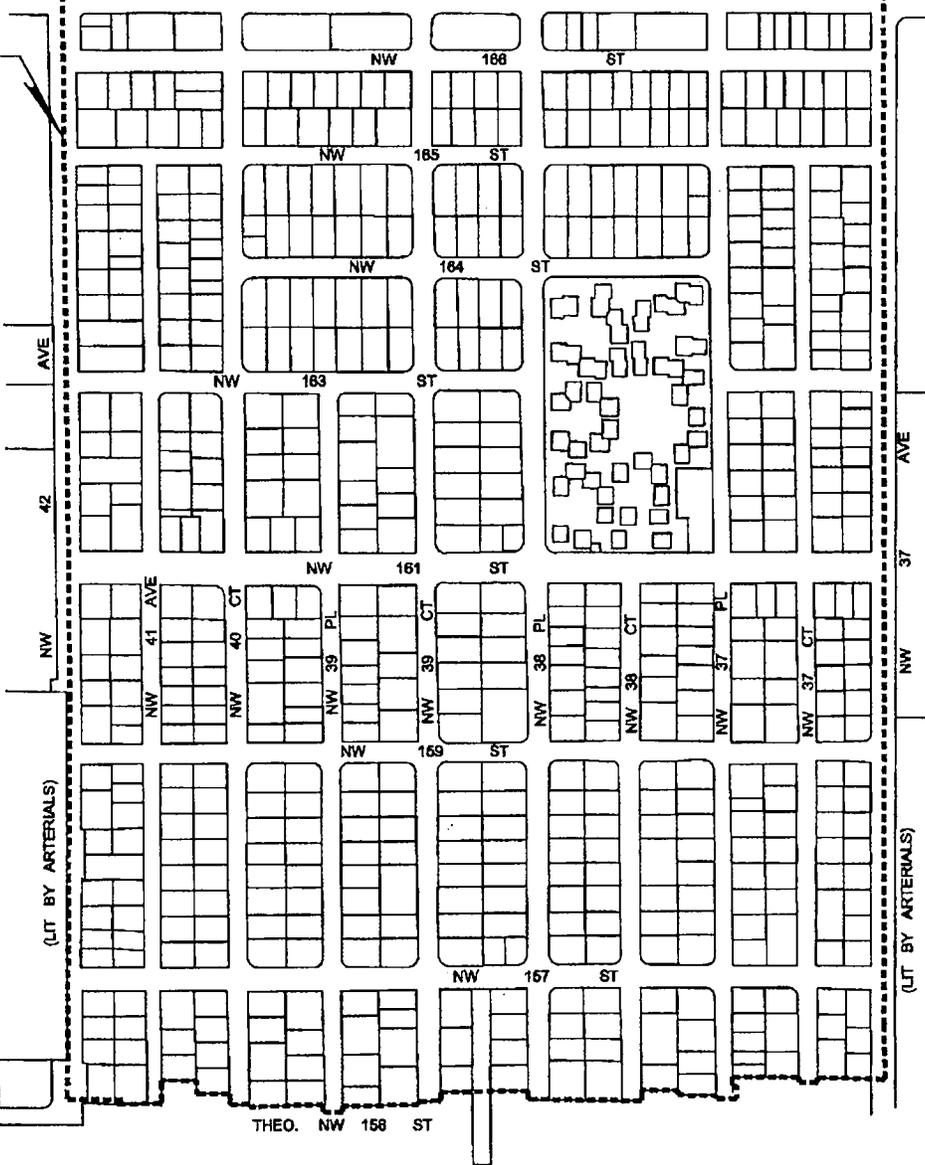
VOTE: 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	<u>  </u> (No)
Vice Mayor Aaron Campbell	<u>X</u> (Yes)	<u>  </u> (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	<u>  </u> (No)
Councilwoman Lisa Davis	<u>X</u> (Yes)	<u>  </u> (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	<u>  </u> (No)
Councilman André Williams	<u>X</u> (Yes)	<u>  </u> (No)

EXIST. CAROL CITY S.T.D. L-19  
NW 187 ST

SR 826 / Palmetto Expressway

BOUNDARIES  
OF AREA  
TO BE  
ANNEXED

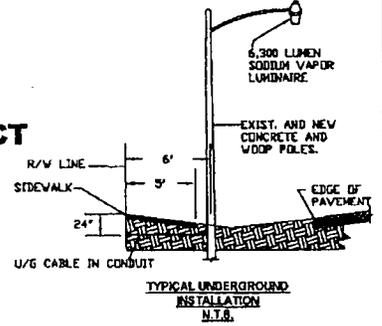


**VENETIAN GARDENS AREA TO BE ANNEXED TO THE  
CAROL CITY STREET LIGHTING IMPROVEMENT DISTRICT**

144 - 6,300 LUMEN SODIUM VAPOR BRACKET-ARM STREETLIGHTS  
MOUNTED ON CONCRETE AND WOODEN POLES.

L- 1273 (COMM. 0001)  
SECTION: 17 - 52 - 41

**EXHIBIT "A"**



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