

Date: (Public Hearing 7-15-14)
June 17, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor



Agenda Item No. 5(C)

Ordinance No. 14-72

Subject: Amendment to Ordinance No. 08-64 relating to the
Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve an amendment to Ordinance No. 08-64, which created the Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District, expanding the boundary to include contiguous property to the west. Inclusion of the Garden Estates property into this District will meet the requirements of the Century Gardens at Tamiami Community Development District (CDD) restrictive covenants to petition for the establishment of a multipurpose maintenance special taxing district. The multipurpose maintenance program will remain dormant until such time as any association or the CDD fails to provide the required maintenance services.

Scope

The Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District lies within Commissioner Juan C. Zapata's District 11. If approved at public hearing, multipurpose maintenance services will be provided to the annexed Garden Estates area by the District, if and when necessary.

Fiscal Impact/Funding Source

Annexing the Garden Estates area into the existing Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District will result in no economic impact on the County's budget or to the property owners within the existing District boundary. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the District upon the failure of any association or the CDD to provide the required maintenance services. Such services will be funded by special assessments against benefited property. If this amendment is adopted, District operational costs will be collected in the District's annual rate and applied uniformly throughout the District's amended geographical boundary for the second and succeeding years.

The economic impact on the Garden Estates residents 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 amendment. The private sector may increase its staffing levels to provide the services required within the amended boundary of the Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District.

Track Record/Monitoring

The Public Works and Waste Management Department is the managing entity overseeing this item and the person responsible is Donald L. Tock, Jr., Chief, Special Taxing Districts Division.

Background

Contingent upon BCC approval of the amending ordinance of Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District, and in the event any association or the CDD fails to provide maintenance services within the District, the Miami-Dade County Parks, Recreation and Open Spaces Department and Public Works and Waste Management Department's Special Taxing Districts Division 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.

Area to be Annexed:	On the North, SW 117 Street; On the East, SW 151 Path; On the South, SW 120 Street, On the West, SW 152 Avenue.
District Boundary as Amended:	On the North, SW 112 Street and South Hammocks Boulevard; On the East, theo. SW 151 Avenue; On the South, SW 120 Street; On the West, SW 152 Avenue.
Number of Parcels to be Added:	1 (the Garden Estates tentative plat proposes an additional 19 single family homes for a District total of 137 single family homes and 261 townhomes).
Number of Owners within Annexed Area:	1
Number of Owners With Homestead Exemption Signing Petition	None – The petition for the annexed area was submitted by Hammocks Lennar, LLC., the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Required Referendum:	The amendment of the District boundary will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
Preliminary Assessment Roll:	In the event any association or the CDD fails to provide the maintenance services below, and contingent upon BCC approval of this amending 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 amendment of this District's ordinance is requested to maintain landscaped tracts (Tracts D,E,F,G,H,K, and L), swales and median areas including turf, and any trees, shrubs, and irrigation including utility payments, common areas, any entrance features, and the exterior of any fencing or walls within the amended District boundary abutting public Rights-of-Way should any association or the CDD fail to provide these services. The District will also maintain the private road area if there is failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to Miami-Dade County and recorded in Public Records.

Estimated Initial Billing:

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

Initial Start of Service

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

Method Of Apportionment:

Maintenance Services: Square Footage

Estimated Annual Total Cost:

Maintenance Services:	<u>First Year</u>	<u>Second Year</u>
	\$73,482.61	\$63,097.57

Estimated Annual Rates:

Maintenance Services:	<u>First Year</u>	<u>Second Year</u>
	\$0.0472	\$0.0405

Estimated Annual Assessments:

Maintenance Services:	<u>First Year</u>	<u>Second Year</u>
For Tract A:	\$1,562.58	\$1,340.78
For Tract B:	\$8,406.27	\$7,213.01
For Tract C:	\$16,448.26	\$14,113.44
For Tract D:	\$370.09	\$317.55
For Tract E:	\$308.40	\$264.63
For Tract F:	\$308.40	\$264.63
For Tract G:	\$328.97	\$282.27
For Tract H:	\$123.36	\$105.85
For Tract K:	\$82.24	\$70.57
For Tract L:	\$472.89	\$405.76
For A Typical Single Family Home:	\$272.98	\$234.23
For A Typical Townhome:	\$76.44	\$65.59

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The annual assessments shown above are representative of costs for property within the amended District's boundary.

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

In compliance with the provisions of Sections 18-3 (c) and 18-16 (i) of the Code, I have reviewed the facts submitted by the Public Works and Waste Management Department and concur with their recommendation that the boundary of the Amerifirst Park First Addition Multipurpose Maintenance Special Taxing District be amended to include contiguous property to the west in order to provide multipurpose maintenance services.




Alina T. Hudak
Deputy Mayor

Memorandum



Date: April 3, 2014

To: Christopher Agrippa, Division Chief
Office of the Clerk of the Board
Attn: Keith Knowles

From: 
Donald L. Tock, Jr., Chief
Special Taxing Districts Division
Public Works and Waste Management Department

Subject: Garden Estates Multipurpose Maintenance
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Office of the Property Appraiser, and has concluded that said petition relates to real property in a new subdivision and the signator is owner and/or individual signing in their official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

- | | |
|---|-------------|
| 1. Total number of parcels of land within district boundaries | <u>2</u> |
| 2. Total number of owners of property within district boundaries | <u>1</u> |
| 3. Total number of resident owners within district boundaries
(this is a new subdivision area) | <u>0</u> |
| 4. Total number of signatures on the petition | <u>1</u> |
| 5. Total number of owners or representatives signing the petition
in an official capacity | <u>1</u> |
| 6. Percentage of owners or representatives signing the petition
in their official capacity | <u>100%</u> |

Pursuant to Section 18-22.1 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

c: Jorge Martinez-Esteve

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing Districts

FROM: Jorge Martinez-Esteve
Assistant County Attorney

DATE: April 7, 2014

SUBJECT: Gardens Estates Multipurpose
Maintenance Special Taxing District

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient for the purposes stated within the Petition, provided that:

1. the entrance features and fences to be maintained are adjacent to or accessible from the public right of way; and,
2. the land included in Exhibit A of the Petition is accessible to or usable by the public.

JME/kh

MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

February 6, 2014
Document Preparation
Date

Departmental Acceptance Date
(Government Use Only)

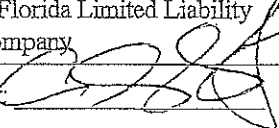
PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

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

We, the undersigned property owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) GARDEN ESTATES (T-23441)

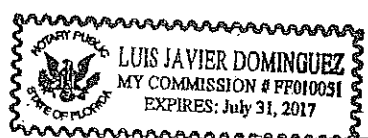
It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the improvements to be provided shall be in accordance with minimum standards and requirements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

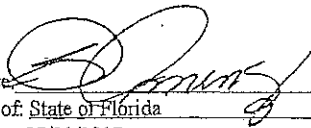
OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Hammocks Lennar LLC A Florida Limited Liability Company	730 NW 107 Avenue, Suite 300 Miami Florida 33172	MORE FULLY DESCRIBED ON THE ATTACHED "EXHIBIT A"	30-5909-014-0012 30-5909-014-0011
By:  Carlos Gonzalez, V.P			
Lennar Homes, LLC A Florida Limited Liability Company, As Managing Member			

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared Carlos Gonzalez as Vice President respectively of Lennar Homes LLC, a Florida Limited Liability Company personally known to me, or who produced identification in the form of _____, and who executed the foregoing Petition for Special Taxing District and acknowledged before me that he executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 6 day of February, 2014.



Notary Public Signature: 
State of: State of Florida
My Commission expires: 07/31/2017

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT
KNOWN AS "GARDEN ESTATES" DATED February 6, 2014, 2014 FOR
THE CREATION OF SPECIAL TAXING DISTRICT(S).

Tract A, AMERIFISRT PARK, according to the Plat thereof, as recorded in Plat Book 127, Page 65, of the Public Records of Miami-Dade County, Florida.

LESS that portion of Tract "A", of AMERIFIRST PARK, according to the Plat thereof, as recorded in Plat Book 127, Page 65, of the Public Records of Miami-Dade County, Florida, lying Easterly of a line as measured 1040.00 feet Easterly of, at right angles to and parallel with the Westerly line of said Tract "A".

EXHIBIT "B"

EXHIBIT "B" TO THE PETITION FOR THE SUBDIVISION KNOWN AS GARDEN ESTATES DATED February 6, 2014 FOR THE CREATION OF A MULTIPURPOSE SPECIAL TAXING DISTRICT FOR GARDEN ESTATES.

AREAS TO BE MAINTAINED:

ALL LANDSCAPE TRACTS (TRACTS D, E, F, G, H, K, AND L), GRASS MEDIANS, BERMS, FENCES, INGRESS/EGRESS, AND ENTRANCE FEATURES IN THE COMMON AREAS ADJACENT TO AND/OR ACCESSIBLE FROM PUBLIC RIGHT-OF-WAYS LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY. AREAS LOCATED WITHIN PRIVATE PROPERTY OR NOT ACCESSIBLE FROM PUBLIC RIGHT-OF-WAYS ARE SPECIFICALLY EXCLUDED FROM THIS SCHEDULE.

MAINTENANCE SCHEDULE:

1. REPLACEMENT OF ANNUALS: ANNUALS ARE TO BE REPLACED ON A QUARTERLY BASIS.
2. TREES: ALL TREES ARE TO BE MAINTAINED AT A CLEAR TRUNK HEIGHT OF EIGHT (8) FEET. IN ADDITION, TREES ARE TO BE PRUNED AT LEAST ONCE ANNUALLY.
3. SHRUBS: ALL SHRUBS ARE TO BE TRIMMED ON AN AS-NEEDED BASIS.
4. GRASS:
 - A. CUTTING SCHEDULE: DURING OCTOBER THROUGH APRIL, GRASS AREAS SHOULD BE CUT EVERY OTHER WEEK (TWICE PER MONTH). DURING THE MONTHS OF MAY THROUGH SEPTEMBER, IT SHOULD BE CUT EVERY WEEK (FOUR TIMES PER MONTH). THE FREQUENCY OF MOWING SHALL BE MODIFIED AS NECESSARY.
 - B. SUBDIVISION FENCES AND SIGNAGE WALLS: SUBDIVISION FENCES AND SIGNAGE WALLS CONSISTING OF 6' WOOD SHADOW-BOX FENCE AND 6' HIGH CBS WALL WITH COLUMNS SHALL BE PAINTED AND REPAIRED AS NECESSARY AND SHALL BE MAINTAINED "GRAFFITI-PROOF" IN A MANNER APPROVED BY MIAMI-DADE COUNTY.

Note: THIS SPECIAL TAXING DISTRICT ENCOMPASSES A PRIVATE DRIVE COMMUNITY AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE DORMANT. SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

INGRESS/EGRESS AND ALL LANDSCAPE TRACTS (TRACTS D, E, F, G, H, K, AND L).



MEMORANDUM

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

Date: January 15, 2002

From: *Diane O'Quinn Williams*
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

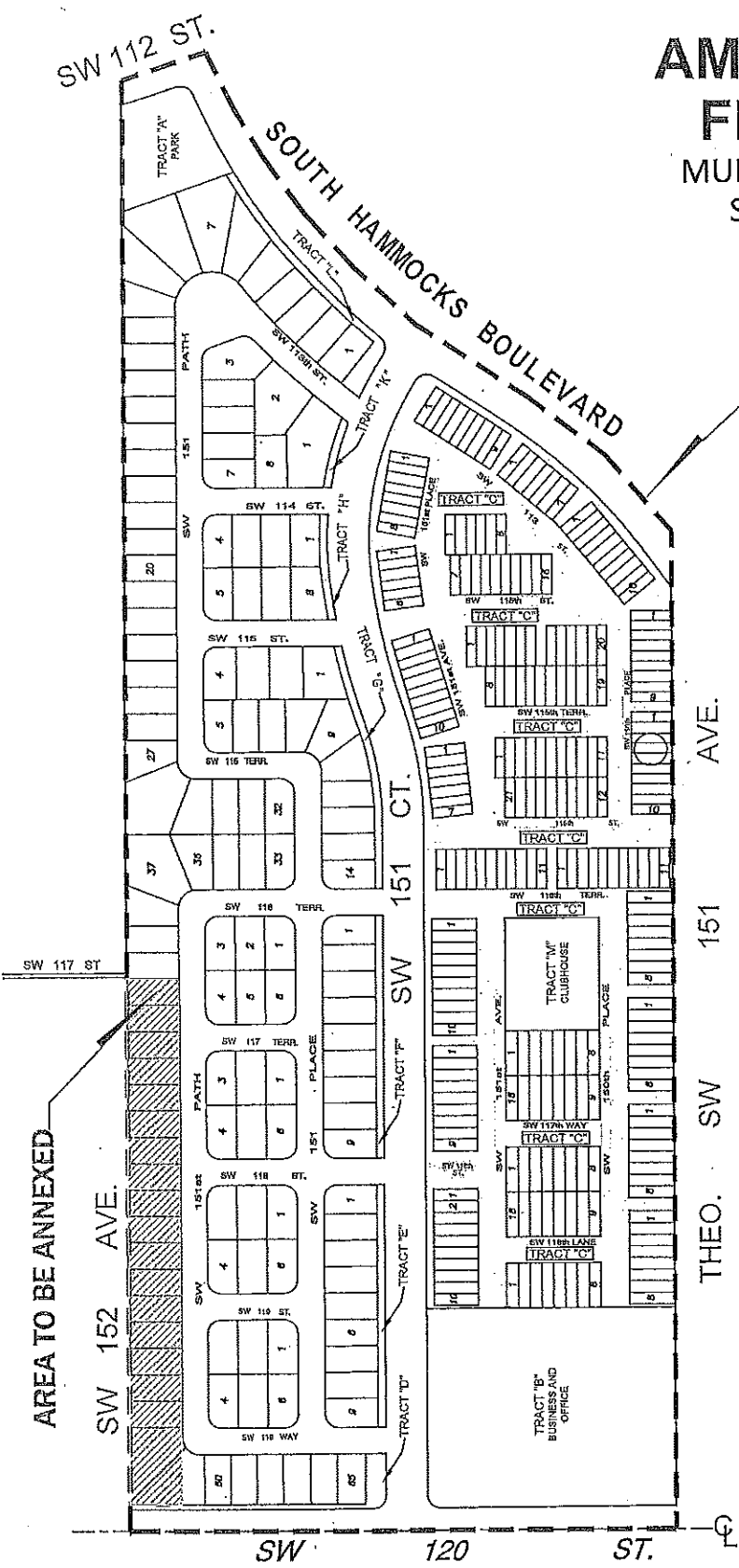
Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street 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

AMERIFIRST PARK FIRST ADDITION

MULTIPURPOSE MAINTENANCE
SPECIAL TAXING DISTRICT



DISTRICT BOUNDARY
AS AMENDED



 DENOTES AREAS TO BE ANNEXED

 DENOTES AREAS TO BE MAINTAINED

SEE ATTACHED SHEET FOR SERVICE
DESCRIPTIONS AND LOCATIONS.



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 15, 2014

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

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 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(C)
7-15-14

ORDINANCE NO. 14-72

ORDINANCE AMENDING ORDINANCE NO. 08-64 RELATING TO AMERIFIRST PARK FIRST ADDITION MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT EXPANDING THE DISTRICT'S BOUNDARY TO INCLUDE CONTIGUOUS PROPERTY TO THE WEST, IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AND 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 district within Miami-Dade County, Florida; and

WHEREAS, this Board adopted Ordinance No. 08-64 on June 3, 2008, establishing the AMERIFIRST PARK FIRST ADDITION MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition requesting the boundary expansion of the already established Special Taxing District, duly signed by 100% of the owners of property within the area to be included in the existing district boundary as amended, was filed with the Clerk of the County Commission; and

WHEREAS, such petition prayed for the provision of multipurpose maintenance services within the existing special taxing district boundary as amended to be financed solely

by means of special assessments levied and collected within the area therein and hereinafter described,

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

Section 1. Sections 2, 3 and 4 of Ordinance No. 08-64 are hereby amended to read as follows:

Section 2. The area or ~~[[boundaries]]~~ >>boundary<< of this special taxing district ~~[[are]]~~ >>as amended is<< as follows:

A portion of Section 9, Township 55 South, Range 39 East, Miami-Dade County, Florida, ~~[[a.k.a. Amerifirst Park First Addition, Tentative Plat #T-22873 and]]~~ being more particularly described as follows:

Tract A, "Amerifirst Park" according to the Plat thereof, as recorded in Plat Book 127, at Page 65, of the Public Records of Miami-Dade County, Florida;

Less

That portion of said Tract A lying easterly of a line as measured 1,040.00 feet easterly of, at right angle to, and parallel with the westerly line of said Tract A~~[[;]]~~ >>:<<

~~[[AND less]]~~

~~[[Begin at the Southwest corner of said Tract A; thence N 02° 20' 50" W along the west line of said Tract A and the west line of the SW ¼ of said Section 9, for 1,047.78 feet; thence departing said west line of said Tract A, run N 87° 26' 46" E for 86.97 feet; thence S 02° 10' 32" E for 1,047.77 feet to a Point of intersection with the southerly line of said Tract A; thence S 87° 26' 00" W along said southerly line of said Tract A for 83.83 feet to the Point of Beginning.]]~~

The area and location of this ~~[[proposed]]~~ >>amended<< 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 >>landscape tracts, (Tracts D,E,F,G,H,K, and L)<< swale and median areas including turf, trees, ~~[[and]]~~ shrubs, >>and irrigation including utility payments, common areas, any entrance features, and the exterior of any fencing or walls within the amended District boundary abutting the public Rights-of-Way should any association or the CDD fail to provide these services.<< ~~[[along SW 151 Court, SW 120 Street, SW 112 Street, and Hammocks Boulevard South.]]~~ >>The District will also maintain the private road area if there is failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to Miami-Dade County and recorded in 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 ~~[[\\$87,620]]~~ >>\$73,482.61<< and ~~[[\\$76,130]]~~ >>\$63,097.57<< for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district is ~~[[\\$0.0410]]~~ >>\$0.0472 << for the first year, and ~~[[\\$0.0356]]~~ >>\$0.0405<< for the second year. The second and

succeeding years' assessments will adjusted from actual
experience.¹

Section 2. 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.

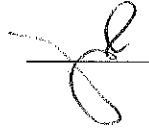
Section 3. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: July 15, 2014

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jorge Martinez-Esteve

¹ Words stricken through and/or shall be deleted. Words underscored and/or constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.