

MEMORANDUM

Agenda Item No. 5(A)


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

DATE: (Second Reading 7-15-14)
July 1, 2014

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

SUBJECT: Ordinance granting petition of
the Park Square Community
Development District to dissolve
the Park Square Community
Development District
Ordinance No. 14-71

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

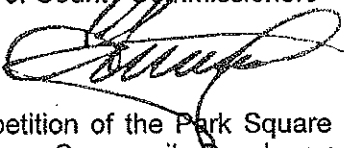
RAC/cp

Memorandum



Date: July 15, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance granting petition of the Park Square Community Development District to
dissolve the Park Square Community Development District

The proposed ordinance grants petition of the Park Square Community Development District to dissolve the Park Square Community Development District. Implementation of this ordinance will not have a fiscal impact to the County.



Alina T. Hudak
Deputy Mayor

Fis7914



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(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 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(A)
7-15-14

ORDINANCE NO. 14-71

ORDINANCE GRANTING PETITION OF THE PARK SQUARE COMMUNITY DEVELOPMENT DISTRICT TO DISSOLVE THE PARK SQUARE COMMUNITY DEVELOPMENT DISTRICT; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board previously approved the establishment of the Park Square Community Development District (“Park Square CDD”) when it enacted Ordinance No. 08-125 on November 20, 2008, (“Approving Ordinance”); and

WHEREAS, the Park Square CDD encompasses approximately 37.9459 acres of residential development lying wholly within the City of Doral Florida; and

WHEREAS, the Park Square Community Development District Board (“Petitioner”) has not provided community development services to the land encompassed by the Park Square Community Development District, has no outstanding debt or obligations, has no operating or maintenance responsibilities, and has provided reports and other documentation evidencing the foregoing; and

WHEREAS, the Petitioner desires to dissolve the Park Square Community Development District pursuant to Section 1.01 (A)(21) of the Miami-Dade County Home Rule Charter (Charter”) and in the manner provided in Section 190.046 (9), Florida Statutes (“Act”); and

WHEREAS, upon adoption of this Ordinance, maintenance responsibilities within the boundaries of the Park Square Community Development District will be assumed by the Park Square at Doral Multipurpose Maintenance and Street Lighting Special Taxing District and any successor(s); and

WHEREAS, upon adoption of this Ordinance, the Declaration of Restrictive Covenants required by County Resolution No. R-413-05, as amended by County Resolution No. R-883-06; and recorded at Clerk's File No. 2009 R0171789 of the Public Records of Miami-Dade County Florida, shall no longer have any legal effect; and

WHEREAS, the Mayor or his designee is authorized to take all action and to execute any documents presented by the Park Square Community Development District which may be necessary to rescind the Restrictive Covenants; and

WHEREAS, having made the foregoing findings, and after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by the Charter and in the manner provided by the Act, by approving the dissolution of the Park Square Community Development District,

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

Section 1. The foregoing findings are incorporated in this resolution by reference.

Section 2. The Petition, attached as Exhibit 1 to this ordinance, to dissolve the Park Square Community Development District established by the Approving Ordinance is accepted and pursuant to that Petition, the Charter and the Act, the Park Square Community Development District is dissolved.

Section 3. The Declaration of Restrictive Covenants recorded at Clerk's File No. 2009 R0171789 of the Public Records of Miami-Dade, Florida, shall no longer have any legal effect and the Mayor or his designee is authorized to take all action and to execute any documents presented by the Park Square Community Development District which may be necessary to rescind the Restrictive Covenants.

5

Section 4. It any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of this Board, and it is ordained that the provisions of this Ordinance shall not be included as part of the Code of Miami-Dade County, Florida.

Section 6. This ordinance shall become effective 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.

PASSED AND ADOPTED: July 15, 2014

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to read "Kate", is written above a horizontal line. Below the line is a circular stamp containing the initials "GTH" in a stylized, cursive font.

Prepared by:

Gerald T. Heffernan

Prime Sponsor: Commissioner Jose "Pepe" Diaz

WHEREFORE, Petitioner, Park Square Community Development District, hereby respectfully requests the Commission to grant this petition and enact a nonemergency ordinance pursuant to Section 190.046(9) of the Act and other applicable law.

Respectfully submitted this 18th of September, 2013.


**PARK SQUARE
COMMUNITY DEVELOPMENT DISTRICT**



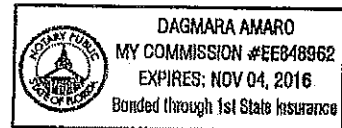
Chairperson, Board of Supervisors

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th of September, 2013, by Paquel Priscila Long, Chairperson of the Board of Supervisors for the Park Square Community Development District. He/she is personally known to me or has produced _____ as identification.



Notary Public, State of Florida



Dagmara Amaro

Printed Name

"EXHIBIT 1 to the Ordinance"

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

IN RE: PETITION FOR DISSOLUTION OF)
 PARK SQUARE)
 COMMUNITY DEVELOPMENT DISTRICT)

PETITION

The Board of Supervisors of the Park Square Community Development District (the "Petitioner" or "District"), a community development district established pursuant to Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter (the "Charter") in the manner provided by the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (the "Act"), hereby petitions the Board of County Commissioners of Miami-Dade County (the "Commission") to adopt a nonemergency ordinance dissolving the Park Square Community Development District (the "District") in accordance with Section 190.046(9) of the Act and, in support thereof, states as follows:

1. On November 20, 2008, the Commission enacted Ordinance No. 08-125 pursuant to the Charter and the Act establishing the Petitioner as a community development district within the meaning of the Act. A legal description of those boundaries is attached as Exhibit "A".
2. The Petitioner has not commenced providing community development services to the land located within the boundaries of the District, has not incurred any debt, has no outstanding financial obligations, and has no operating or maintenance responsibilities. A copy of the District's 2012-2013 Expenditures, together with a copy of an updated balance sheet through the present, is attached as Exhibit "B".
3. The Petitioner, through the adoption of Resolution No. 2013-05, through the Petitioner's Board of Supervisors on September 16, 2013 has hereto determined it is in the best interest of the Petitioner, as well as its current and future landowners within its boundaries to dissolve the District. Section 190.046(9) of the Act provides that a community development district may be dissolved, upon petition by the district, if a district has no outstanding financial obligations and no operating or maintenance responsibilities. A certification of the District's current board members is attached as Exhibit "C", and a copy of Resolution No. 2013-05 is attached as Exhibit "D".
4. The owner of all lands located within the boundaries of the District consents to the dissolution of the District, as evidenced by the Affidavit of Ownership and Consent attached as Exhibit "E".
5. All statements contained within this Petition are true and correct.

**EXHIBIT A
LEGAL DESCRIPTION**

A PORTION OF TRACTS 20, 21, 22, 23, 24, 25, 26 AND 27 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "A" OF "CORPORATE OFFICE PARK PHASE 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 135, PAGE 9 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 89° 57' 20" EAST ON THE NORTH LINE OF SAID TRACT 27 FOR 543.73 FEET TO THE NORTHEAST CORNER OF SAID TRACT 27, ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT 21; THENCE NORTH 01° 42' 25" WEST ON THE WEST LINE OF SAID TRACTS 21 AND 20 FOR 379.56 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 20; THENCE SOUTH 89° 56' 47" EAST ON SAID PARALLEL LINE 423.58 FEET; THENCE SOUTH 00° 03' 13" WEST 265.43 FEET; THENCE NORTH 69° 18' 29" EAST 93.89 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEAST, THE RADIUS POINT OF WHICH BEARS NORTH 71° 18' 33" EAST; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 264.92 FEET AND A CENTRAL ANGLE OF 82° 59' 32" AN ARC DISTANCE OF 383.73 FEET; THENCE SOUTH 00° 00' 00" EAST 45.73 FEET; THENCE NORTH 76° 32' 29" EAST 37.70 FEET; THENCE SOUTH 00° 00' 00" EAST 85.31 FEET; THENCE NORTH 90° 00' 00" EAST 79.33 FEET; THENCE NORTH 00° 00' 00" EAST 20.58 FEET; THENCE NORTH 90° 00' 00" EAST 364.21 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 82ND AVENUE; THENCE SOUTH 01° 39' 59" EAST ON SAID RIGHT-OF-WAY LINE 802.44 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTH, THE RADIUS POINT OF WHICH BEARS NORTH 44° 31' 22" WEST; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 44° 32' 25" AN ARC DISTANCE OF 19.43 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 33RD STREET, ALSO BEING A POINT OF TANGENCY; THENCE ON SAID RIGHT-OF-WAY LINE THE FOLLOWING 4 NUMBERED COURSES AND DISTANCES: 1) NORTH 89° 58' 57" WEST 719.17 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEAST; 2) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 950.00 FEET AND A CENTRAL ANGLE OF 26° 00' 00" AN ARC DISTANCE OF 431.10 FEET TO A POINT OF TANGENCY; 3) NORTH 63° 58' 57" WEST 290.22 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWEST; 4) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,050.00 FEET AND A CENTRAL ANGLE OF 24° 47' 59" AN ARC DISTANCE OF 454.48 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT "A"; THENCE NORTH 00° 02' 40" EAST ON THE EAST LINE OF SAID TRACT "A" 609.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,652,924 SQUARE FEET, 37.9459 ACRES.