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

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams
County Attorney

**SUBJECT:** Agenda Item No. 5(G)(1)

Resolution No. R-22-16

**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**

_____ **Statement of social equity 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(G)(1)
1-20-16

RESOLUTION NO. R-22-16

RESOLUTION APPROVING, ADOPTING, AND CONFIRMING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS RIVERWOOD STREET LIGHTING SPECIAL TAXING DISTRICT; PROVIDING THAT ASSESSMENTS MADE SHALL CONSTITUTE A SPECIAL ASSESSMENT LIEN ON REAL PROPERTY; AND PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS; ALL IN ACCORDANCE WITH PROVISIONS OF CHAPTER 197 OF THE FLORIDA STATUTES, CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND ORDINANCE NO.

**WHEREAS,** pursuant to petition, notice and public hearing, the Board of County Commissioners by Ordinance No. 16-1 , adopted Wednesday, January 20, 2016 created and established a special taxing district in Miami-Dade County, Florida, known and designated as the Riverwood Street Lighting Special Taxing District ("Special Taxing District") in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida ("Code"), enacted under and pursuant to the provisions of Section 1.01(A)(11) of the Home Rule Charter of Miami-Dade County, Florida; and

**WHEREAS,** the purpose of the Special Taxing District is to install and maintain street lights within the Special Taxing District, and the streetlights will be installed and put into operation in the Special Taxing District; and

**WHEREAS,** pursuant to Ordinance No. 16-1 , the Board determined that special assessments in the Special Taxing District for furnishing street lighting facilities and services should be levied on a per front footage basis in accordance with Ordinance No. 16-1 ; and

**WHEREAS,** pursuant to Ordinance No. 16-1 , and Section 18-14(4) of the Code, the County Mayor or County Mayor's designee caused a preliminary assessment roll to be prepared and filed with the Clerk of the Board and pursuant to notice published, posted and mailed to all property owners within the Special Taxing District, this Board held a public hearing on this date upon the preliminary assessment roll submitted by the County Mayor or County Mayor's designee, and all interested persons were afforded the opportunity to present their objections, if any, with respect to their assessments on such assessment roll; and

**WHEREAS,** after due consideration, this Board found and determined that the assessments shown on the preliminary assessment roll were in proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment roll; and

**WHEREAS,** each property owner was notified that the special assessments, when finally approved and confirmed pursuant to Section 18-14(6) of the Code, will be placed on the November 2017 real property tax bill, and subsequent real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title,

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

**Section 1.** The foregoing recital clauses are incorporated herein by this reference and are adopted by this Board.

**Section 2.** The preliminary assessment roll for the Special Taxing District (a copy of which is made a part hereof by reference) is approved, adopted, and confirmed pursuant to Section 18-14(6) of the Code.

**Section 3**. Within 30 days from the effective date of this resolution, the Clerk of the Board is directed to deliver to the Finance Director a copy of the assessment roll, and to cause a duly certified copy of this resolution, together with the assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

**Section 4**. All assessments made upon said assessment roll shall constitute a special assessment lien upon the real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of Section 18-14(8) of the Code.

**Section 5**. All assessments shall be payable in accordance with Section 18-14(7) of the Code. As authorized by Section 197.3632, Florida Statutes, all special assessments levied and imposed under the provisions of Ordinance No. 16-1 , and this Resolution, 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. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and/or Section 18-14(8) of the Code.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

| | | | |
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| Bruno A. Barreiro | **aye** | Daniella Levine Cava | **aye** |
| Jose "Pepe" Diaz | **aye** | Audrey M. Edmonson | **aye** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Dennis C. Moss | **aye** | Rebeca Sosa | **aye** |
| Sen. Javier D. Souto | **absent** | Xavier L. Suarez | **absent** |
| Juan C. Zapata | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve