

MEMORANDUM

		Agenda Item No. 7(G) (Second Reading: 10-5-21) July 20, 2021
TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT: Ordinance related to the creation of the Ludlam Trail Improvement District and establishment of a trust fund for such district; creating chapter 25B, article IV of the Code; creating Ludlam Trail Improvement District, which is generally bounded by Miami International Airport/Perimeter Road on the north, 67th Avenue (Ludlam Road) on the east, Snapper Creek Canal on the south, and by State Road 826 (the Palmetto Expressway) on the west; providing for legislative intent, findings, and purpose; creating definitions; establishing a trust fund for the district and providing for the funding of such trust fund from certain countywide tax increment revenues; providing for sunset of district and trust fund

Ordinance No. 21-109

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Rebeca Sosa and Commissioner Raquel A. Regalado and Co-Sponsors Commissioner Danielle Cohen Higgins and Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 5, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to the Creation of the Ludlam Trail Improvement

The Value of the properties within the Ludlam Trail Improvement District (Ludlam District), according to the 2021 preliminary tax rolls, is \$2,587,678,563. Should the Board create the district, this will be the base year value, which will be adjusted each year by 4.5 percent. After being adjusted, base year will be subtracted from the new tax, and the taxes associated with the growth will be deposited in the trust fund. The countywide ad valorem ten-year rolling growth average is 6.1%. With the assumption of a countywide ad valorem roll growth of 5.5%, the tax increment revenues to be appropriated to the Ludlam District over 20 years is estimated to be \$4,000,308. This amount only includes the County's contribution, it does not include any funding that may be negotiated with the City of Miami.

A handwritten signature in blue ink, reading "Jimmy Morales".

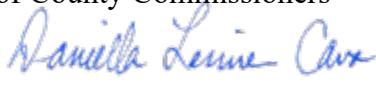
Jimmy Morales
Chief Operations Officer

Memorandum



Date: October 5, 2021


To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for the Ludlam Trail Improvement District Ordinance

The proposed ordinance for the creation of the Ludlam Trail Corridor District and the promotion, development, construction, acquisition, equipping, operation, and maintenance of the recreational segments of the Ludlam Trail will significantly increase opportunities for access to natural resources, greenways, parks, schools, and improved recreational opportunities for residents of and visitors to the areas surrounding the Ludlam Trail.

The Ludlam Trail will provide a premier alternative mobility connection as an important part of Miami-Dade’s greenway trail network, providing equitable mobility solutions as well.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(G)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(G)
10-5-21

ORDINANCE NO. 21-109

ORDINANCE RELATED TO THE CREATION OF THE LUDLAM TRAIL IMPROVEMENT DISTRICT AND ESTABLISHMENT OF A TRUST FUND FOR SUCH DISTRICT; CREATING CHAPTER 25B, ARTICLE IV OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING LUDLAM TRAIL IMPROVEMENT DISTRICT, WHICH IS GENERALLY BOUNDED BY MIAMI INTERNATIONAL AIRPORT/PERIMETER ROAD ON THE NORTH, 67TH AVENUE (LUDLAM ROAD) ON THE EAST, SNAPPER CREEK CANAL ON THE SOUTH, AND BY STATE ROAD 826 (THE PALMETTO EXPRESSWAY) ON THE WEST; PROVIDING FOR LEGISLATIVE INTENT, FINDINGS, AND PURPOSE; CREATING DEFINITIONS; ESTABLISHING A TRUST FUND FOR THE DISTRICT AND PROVIDING FOR THE FUNDING OF SUCH TRUST FUND FROM CERTAIN COUNTYWIDE TAX INCREMENT REVENUES; PROVIDING FOR SUNSET OF DISTRICT AND TRUST FUND, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, REPEAL, AND AN EFFECTIVE DATE

WHEREAS, on July 19, 2017, this Board approved an amendment to the Miami-Dade County (“County”) Comprehensive Development Master Plan (“CDMP”) for the Ludlam Trail Corridor District; and

WHEREAS, the Ludlam Trail Corridor District applies to an approximately 5.8-mile segment of the former Florida East Coast Railway South Little River Branch spurline that is generally 100 feet wide and extends from SW 80 Street to approximately 400 feet north of NW 7 Street and generally along theoretical NW/SW 69 Avenue, which 5.8 mile segment is commonly referred to as the Ludlam Trail; and

WHEREAS, approximately 0.6 miles of the Ludlam Trail between SW 8 Street and the Tamiami Canal is located within the boundaries of the City of Miami (“Miami Segment”); and

WHEREAS, the purpose of the Ludlam Trail Corridor District is to enhance regional mobility, provide opportunities for physical activity, and improve the economic vitality of the area by facilitating the conversion of this former railway corridor into a continuous publicly-accessible primarily pedestrian and bicycle trail while ensuring that development along the corridor occurs at appropriate locations and in a manner that is sensitive to and compatible with adjacent uses; and

WHEREAS, several regional and local studies have identified an opportunity for a regionally significant trail and greenway along the corridor that will connect to the County's greenways and trails network, link the surrounding communities, and provide vital neighborhood connections; and

WHEREAS, the Ludlam Trail Corridor District breaks up the Ludlam Trail into either Recreational Trail Segments or Development Areas; and

WHEREAS, in accordance with the CDMP, the Ludlam Trail Recreational Trail Segments must be developed solely with recreational uses, including, but not limited to, a pedestrian and bicycle trail, parks and associated amenities, which may include but not be limited to above-grade pedestrian crossings, parking, restroom facilities, signage, benches, information and vending kiosks, recreational equipment and bicycle rental stations, and shelters, where appropriate; and

WHEREAS, further, within the Development Areas, the Ludlam Trail Corridor District provides for development of a publicly accessible trail to connect to the Recreation Trail Segments; and

WHEREAS, on July 20, 2004, this Board adopted Resolution No. R-914-04 to authorize a General Obligation Bonds (“GOB”) Special Election for the purpose of submitting to the qualified electors of the County the question related to the use of GOB to construct and improve walkways, bikeways, bridges, and access to the Seaport and other municipal and neighborhood infrastructure improvements to enhance quality of life; and

WHEREAS, on November 2, 2004, the voters approved the issuance of GOB, inclusive of \$1,735,000.00 to acquire the Ludlam Trail right-of-way for use as a paved bike path; and

WHEREAS, on September 14, 2018, this Board adopted Resolution No. R-939-18, which approved and authorized the County Mayor or the County Mayor’s designee to, among other things, execute contracts for sale and purchase between the County and LR 13-18, LLC and FECI LT1, LLC, two subsidiaries of Florida East Coast Industries, of, essentially, the Ludlam Trail Recreational Segments, and easements through the balance of the Ludlam Trail; and

WHEREAS, on December 31, 2018, the County closed on the purchase of the Ludlam Trail; and

WHEREAS, although the County has been granted state and federal funds to be used for the design and construction of the Ludlam Trail, the County will require substantial, additional resources to develop, operate, and maintain the Ludlam Trail (the “Ludlam Trail Improvements”); and

WHEREAS, this Board finds that the Ludlam Trail Improvements will provide vital economic, recreational and community opportunities for the residents of the County, including among other things, pristine park lands, scenic vistas, a tourist and vacation destination and other valuable resources that distinguish the County for its natural beauty and its quality of life; and

WHEREAS, this Board further finds that it is necessary and desirable to address the needs of the Ludlam Trail Improvements by providing the funding necessary to cover administrative and overhead expenses, maintenance costs, and community policing and other security costs (“Ludlam Trail Costs”), for the area to reach its full potential of protecting and enhancing the natural beauty of the Ludlam Trail while improving it with compatible recreational elements and safeguarding it in a manner that enables the public and visitors to enjoy the immense opportunities for recreation and non-motorized transportation; and

WHEREAS, this Board also desires to identify a funding source that will enable the County to pay for the Ludlam Trail Costs; and

WHEREAS, this Board finds that through the Ludlam Trail Improvements, along with the private development taking place in the Development Areas of the Ludlam Trail Corridor District, property values within and surrounding the Ludlam Trail Corridor District will increase and will generate additional property tax revenues; and

WHEREAS, this Board further finds that the area that will be most significantly impacted and benefited by the public and private development of the Ludlam Trail will be the area generally bounded by Miami International Airport/Perimeter Road on the north, 67th Avenue on the east, the Snapper Creek Canal on the south, and State Road 826 (the Palmetto Expressway) on the west (the “Ludlam Trail Improvement District”); and

WHEREAS, accordingly, this Board finds that it is necessary to create a trust fund (“Ludlam Trail Trust Fund”) to be funded, in part, with certain countywide ad valorem tax increment revenues generated within the Ludlam Trail Improvement District, to finance the Ludlam Trail improvements; and

WHEREAS, this Board finds that it is in the best interest of the citizens of Miami-Dade County and serves a public purpose to establish the Ludlam Trail Trust Fund and to provide for the appropriation into said trust fund, over a 20-year period of the County's countywide ad valorem tax increment beyond 4.5 percent annual growth within the Ludlam Trail Improvement District, subject to annual budget and appropriation by the Board; and

WHEREAS, additionally, the City of Miami has indicated a willingness to contribute to the Ludlam Trail Trust Fund, over a 20-year period, an amount not to exceed 85 percent of the municipal ad valorem tax increment revenues generated within the portion of the Ludlam Trail Improvement District that is located within the municipal boundaries of the City of Miami; and

WHEREAS, the City of Miami would retain the remaining 15 percent of the municipal ad valorem tax increment revenues generated within the portion of the Ludlam Trail Improvement District that is located within the municipal boundaries of the City of Miami to be used for other parks located within the Ludlam Trail Improvement District; and

WHEREAS, this Board has determined that, to the maximum extent possible, the anticipated revenues realized by the County from the growth in property values and business activity expected within the Ludlam Trail Improvement District should provide funds needed to pay for the Ludlam Trail Improvements,

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

Section 1. The foregoing recitals are deemed true and correct and are hereby incorporated into this ordinance.

Section 2. Chapter 25B, Article IV of the Miami-Dade County Code of Ordinances is hereby created to read:

ARTICLE IV LUDLAM TRAIL IMPROVEMENT DISTRICT

Section 25B-33. Findings

- (a) It is hereby found and declared that the creation of the Ludlam Trail Corridor District in the County's Comprehensive Development Master Plan and consequent land use approvals, and the anticipated commercial, residential, and industrial development of the Development Areas therein, will enhance the tax base surrounding the Ludlam Trail from which the County realizes tax revenues will be realized.
- (b) It is further found and declared that there exists a need to preserve, enhance, and improve the Recreational Segments, to increase both residents' and visitors' access to recreation and vacation opportunities within Miami-Dade County.
- (c) It is in the best interest of the County to appropriate increased countywide tax revenues from new development around the Ludlam Trail to a trust fund to ensure adequate funding to pay for the costs associated with administrative and overhead, operation, and maintenance of the Recreational Segments, as well as community policing and other security costs.
- (d) It is further found and declared that the promotion, development, construction, acquisition, equipping, operation, and maintenance of the Recreational Segments will significantly increase opportunities for access to natural resources, greenways, parks, schools, and improved recreational opportunities for residents of and visitors to the areas surrounding the Ludlam Trail.
- (e) It is further found and declared that the powers conferred by this ordinance are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

Section 25B-34. Definitions

The following terms, wherever used or referred to in this part, have the following meanings:

- (a) "Assessed Value" shall mean the assessed value of all taxable real and personal property within the Ludlam Trail Improvement District.

- (b) “Base Assessed Valuation” shall mean, with respect to any year commencing after October 1, 2021, the amount of the assessed value for the Fiscal Year commencing October 1, 2021 increased by an assumed growth factor in the assessed value of 4.5 percent every year thereafter.
- (c) “City” shall mean the City of Miami, a municipal corporation of the State of Florida.
- (d) “County” shall mean Miami-Dade County, a political subdivision of the State of Florida.
- (e) “Development Areas” means those four segments, or nodes, within the Ludlam Trail Corridor District identified as the Blue Lagoon Development Area, Tamiami Trail Development Area, Coral Way Development Area, and Bird Road Development Area, as more fully defined in the Comprehensive Development Master Plan amendment adopted by Ordinance No. 17-54 on July 19, 2017, as may be amended. The areas are to be privately developed with industrial, commercial, business, and residential uses.
- (f) “Ludlam Trail” shall mean the approximately 5.8-mile segment of the former Florida East Coast Railway South Little River Branch spurline that is generally 100 feet wide and extends from SW 80 Street to approximately 400 feet north of NW 7 Street and generally along theoretical NW/SW 69 Avenue, inclusive of approximately 0.6 miles, between SW 8 Street and the Tamiami Canal, that is located within the municipal boundaries of the City of Miami.
- (g) “Ludlam Trail Costs” shall mean the acquisition, financing, refinancing, development, construction, operation, and maintenance of the Recreational Segments and associated community policing, patrol, and other security features.
- (h) “Ludlam Trail Improvement District” shall mean that area, located in the unincorporated area of the County and the incorporated area of the City, that is generally bounded by Miami International Airport/Perimeter Road on the north, 67th Avenue (Ludlam Road) on the east, Snapper Creek Canal on the South, and State Road 826 (the Palmetto Expressway) on the west. The Ludlam Trail Improvement District is more fully described in Exhibit “A” attached hereto and made a part hereof.
- (i) “Ludlam Trail Improvement Trust Fund” or “Ludlam Trail Trust Fund” shall mean the fund so designated and created pursuant to this ordinance.

- (j) “Recreational Segments” means those segments of the Ludlam Trail that are: owned in fee simple by the County or controlled by the County pursuant to an Interim Recreational Trail Use Agreement, easement, or other legal instrument; and are to be developed solely with recreational uses, including but not limited to a pedestrian and bicycle trail, parks, and associated amenities, which may include but not be limited to above-grade pedestrian crossings, parking, restroom facilities, signage, benches, information and vending kiosks, recreational equipment and bicycle rental stations, and shelters, where appropriate.
- (k) “Tax Increment Funds” shall mean the moneys on deposit in the Ludlam Trail Improvement Trust Fund created pursuant hereto.
- (l) “Tax Increment Revenues” means an amount equal to those certain incremental amounts of the countywide ad valorem property taxes of the County for the properties within the Ludlam Trail Improvement District beyond the base assessed valuation so designated and described in, and deposited in the Ludlam Trail Improvement Trust Fund in accordance with section 25B-36 hereof.

Section 25B-35. Ludlam Trail Improvement District Created.

The Ludlam Trail Improvement District is hereby established. The Ludlam Trail Improvement District shall include all land and properties wholly or partially located within the Ludlam Trail Improvement District.

Section 25B-36. Ludlam Trail Improvement District Trust Fund.

- (a) The Ludlam Trail Improvement Trust Fund is hereby established.
- (b) Subject to an annual allocation and appropriation by the Board of County Commissioners, Miami-Dade County shall allocate into the Ludlam Trail Improvement Trust Fund:
 - (1) The Tax Increment Revenues generated within the Ludlam Trail District, excluding any amount from debt service millage and any amount derived from properties located within the Miami-Dade County Transportation Infrastructure Improvement District created by Ordinance No. 18-8; and
 - (2) The City’s contribution to the Ludlam Trail Improvement Trust Fund pursuant to an Interlocal Cooperation Agreement between the City and the County.

- (c) The County shall, by January 1st of each year, appropriate to the Ludlam Trail Trust Fund for a period not to exceed 20 years, a sum that is no less than the amount of the Tax Increment Revenues.
 - (1) In no year shall the County's obligation to fund the Ludlam Trail Trust Fund exceed the amount of that year's Tax Increment Revenues.
 - (2) The County's contributions shall be accounted for as a separate revenue within the Ludlam Trail Trust Fund.
- (d) Notwithstanding the requirements set forth in this section, the Board of County Commissioners from time to time may appropriate non-Tax Increment Revenues to be deposited into the Ludlam Trail Improvement Trust Fund, subject to budgetary appropriations. All such non-Tax Increment Revenues shall be maintained in a separate account and only used for the Ludlam Trail Costs as more fully described in section 25B-37 of this article.

Section 25B-37. Permitted Use of Funds.

- (a) Monies in the Ludlam Trail Improvement Trust Fund may be expended from time to time when directly related to any individual or combination of Ludlam Trail Costs, including but not limited to:
 - (1) Administrative and overhead expenses necessary or incidental to the undertakings set forth in this section 25B-37(a)(2) and (3) below which said amount of administrative expenses shall not exceed 10 percent of monies in the Ludlam Trail Improvement Trust Fund;
 - (2) Construction, operation, maintenance, repair, and upkeep of utilities, parks, playgrounds, and other improvements deemed by the Board of County Commissioners to be necessary for the betterment and enjoyment by the public of the Recreational Segments; and
 - (3) Development of community policing initiatives to serve the Ludlam Trail Improvement District, including security for Recreational Segments.
- (b) In no event shall the monies in the Ludlam Trail Improvement Trust Fund be used for anything other than the Ludlam Trail Costs.

Section 25B-38. Remaining Funds and End of Fiscal Year

On the last day of the fiscal year, any money which remains in the Ludlam Trail Improvement Trust Fund after payment of the expenses listed in section 25B-37 of this article for such year shall remain in the Ludlam Trail Improvement Trust Fund for future use toward the Ludlam Trail Costs.

Section 25B-39. Reports to the Board of County Commissioners.

- (a) The County Mayor or the County Mayor's designee shall submit an annual report to the Miami-Dade Board of County Commissioners related to compliance with the provisions of this article.
- (b) This annual report shall include, but not be limited to:
 - (1) The amount of money in the Ludlam Trail Improvement Trust Fund;
 - (2) The source(s) of such funds;
 - (3) The amount of Tax Increment Revenues generated annually in the Ludlam Trail Improvement District; and
 - (4) Identification of Ludlam Trail Costs paid for from the Ludlam Trail Improvement Trust Fund and projections for future such costs over the following five years.
- (c) The completed report required by this section shall be placed directly on an agenda of the Board, pursuant to Ordinance No. 14-65, without committee review.

Section 3. If 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 4. 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 5. 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.

Section 6. This ordinance shall, subject to a sunset review by this Board, stand repealed 20 years from its effective date, unless such time is extended by this Board.

PASSED AND ADOPTED:

October 5, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Terrence A. Smith

Co-Prime Sponsors: Commissioner Rebeca Sosa
Commissioner Raquel A. Regalado
Co-Sponsors: Commissioner Danielle Cohen Higgins
Commissioner Eileen Higgins

