



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Parks and Cultural Affairs Committee

January 18, 2018
9:30 A.M.
Commission Chambers

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**PCAC Meeting: January 18, 2018
Research Notes**

**Item No. 1G1
File No. 172561**

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING SECTION 18-20.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ALL SELLERS OF REAL PROPERTY LOCATED WITHIN A SPECIAL TAXING DISTRICT TO DISCLOSE TO BUYERS WITHIN REAL ESTATE CONTRACTS AND ON ANY INSTRUMENT CONVEYING TITLE THAT SUCH REAL PROPERTY IS LOCATED WITHIN A SPECIAL TAXING DISTRICT AND SUBJECT TO THE PAYMENT OF ASSESSMENTS; REQUIRING SUCH SELLERS TO RECORD BUYERS' WRITTEN ACKNOWLEDGEMENT IN PUBLIC RECORDS OF MIAMI-DADE COUNTY; PROVIDING FOR DELAYED IMPLEMENTATION; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY AND PROVIDE A REPORT TO THE BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the ordinance requiring all sellers of real property within a special taxing district to inform and record notice to all buyers that the property is within a special taxing district.

APPLICABLE LEGISLATION/POLICY

Miami-Dade **County Code Chapter 18:** (*Improvement and Special Districts*) and **Sec. 18-20.2** (*Notice to all purchasers of new residential property*): https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH18IMSPRPDI

Section 1.01 of the County's Home Rule Charter (*Powers*): <http://www.miamidade.gov/charter/library/charter.pdf>
Which States: “ (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.”

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12
Department/Requester: None

11/20/2017: The Board adopted the item on first reading and scheduled for public hearing.

FISCAL IMPACT

This item has no fiscal impact.

ANALYSIS

According to the Mayor's memo, if implemented, existing staff of the Special Taxing Districts Division will provide notice of the enactment of this ordinance to the real estate industry. If approved, this will help buyers avoid the potential hardship of acquiring property without knowing that their property is subject to annual assessments, regardless of their demographics or income levels.

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Sec. 18.20.2 As it currently reads	Sec. 18.20.2 Proposed Amendments
<p>(a) Definition. The term "new residential property" as used in this section shall mean any and all undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy.</p>	<p>(a) Definition. The term "property" as used in this section shall mean any real property located within a special taxing district created, or pending creation by an ordinance proposed to the Board of County Commissioners, pursuant to this chapter.</p>
<p>(b) Notice to purchasers. It shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the new residential property and shall be in substantially the following form:</p> <p>THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.</p> <p>(Ord. No. 89-56, § 1, 6-20-89)</p>	<p>b) Notice to purchasers. It shall be the obligation of a seller of property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the property and shall be in substantially the following form:</p> <p>THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.</p> <p>(Ord. No. 89-56, § 1, 6-20-89)</p>
	<p>(c) Acknowledgement of special taxing district disclosure statement on instrument of conveyance. It shall be the responsibility of a seller of property that the following statement shall appear in a prominent location on the face of any instrument conveying title to property. The Seller shall record the notarized statement in the public records of Miami-Dade County maintained by the Clerk of the Court:</p>

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I HEREBY CERTIFY THAT I UNDERSTAND THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY MIAMI-DADE (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____.

Signature of Purchaser _____ Date _____

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**Item No. 2A
File No. 172748**

Researcher: AIP Reviewer: TD

RESOLUTION APPROVING AMENDMENT TO LICENSE AGREEMENT BETWEEN THE COUNTY AND FLORIDA POWER & LIGHT COMPANY TO OMIT THE REQUIREMENT THAT THE COUNTY PURCHASE INSURANCE IN CONNECTION WITH THE USE OF THE PROPOSED LINEAR PARK LOCATED ALONG NORTHWEST 136TH COURT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDED LICENSE AGREEMENT FOR AND ON BEHALF OF THE COUNTY AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Amendment to omit the insurance requirement in the adopted FPL agreement.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-709-17 (*License Agreement Right of Entry Florida Power & Light Co*) adopted by the Board on June 6, 2017 approved a license agreement and right of entry agreement between the County and Florida Power & Light Company (FPL) for the development and use of property owned by FPL, located along Northwest 136th Court, as a recreational trail.: <http://intra/gia/matter.asp?matter=172122&file=false&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12

Department/Requester: None

This item has no procedural history.

FISCAL IMPACT

This amendment has no fiscal impact.

The original license agreement, adopted by the Board on has an estimated fiscal impact of \$700,000 in development costs funded from park impact fees, and \$1,606,500 in operational costs and fees, (exclusive of insurance costs), for the 27 year term of the license agreement.

ANALYSIS

As approved, the County was required to purchase and maintain insurance in connection with the County’s use of the proposed linear park located along Northwest 136th Court; and FPL subsequently agreed to amend the Agreement to delete the insurance requirement, substituting instead a requirement that the County maintain a self-insurance program for any and all claims arising out of or in connection with the County’s use of the linear park.

The County has such a self-insurance program in place, and relief from the previously included insurance requirement would generate a substantial savings to the County. This item seeks to approve the amendment to the license and right-of-entry agreement between the County and FPL, in substantially the form attached hereto as Exhibit “A,” to omit the requirement that the County purchase insurance in connection with the use of the proposed linear park located along Northwest 136th Court.

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**Item No. 3A
File No. 172872**

Researcher: AIP Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 42 GRANTS FOR A TOTAL OF \$190,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 COMMUNITY GRANTS PROGRAM – SECOND QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize funds totaling \$190,000, as grants to 42 community organizations, and waive resolution No. R-130-06 (*Contract Conveyance*).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06 (File No. 060239), which states that no item seeking approval of a contract and authority to execute same will be put before the Board or committees until the underlying contract is completely negotiated, in final form, and executed by all non-County parties.

This item is requesting to waive this requirement, so that the funds can be expedited quickly, due to the time-sensitive, tourism-oriented community events.

Resolution No. R-130-06 (RESO AMENDING RESO. R-1198-05) (*Contract Conveyance*) can be found at:
<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Cultural Affairs

This item has no procedural history.

FISCAL IMPACT

The funds being authorized were approved as part of the Fiscal Year 2017-2018 County Budget ordinance. These funds are from the Department of Cultural Affairs’ revenues, and a total of \$190,000 will be used for the Community Grants Program FY 2017-2018 Q2. The recommended amounts for the grants vary from \$1,517 to \$9,105.

ANALYSIS

The Community Grants (CG) Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural (dance, theater, music, visual arts) programs, as well as projects and events, such as fairs, parades, neighborhood festivals, conferences and publications that have a strong artistic component.

The item includes an attachment which details each of the events proposed, as well as the address of each organization and the date(s) of the event(s). The Cultural Affairs Council approved the recommendations at their meeting on November 15, 2017. Authorizing these funds is imperative to the execution of these events, which enrich and benefit the members of our community by exposing them to different arts and cultures.

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The grants for Fiscal Year 2017-2018 Community Grants Program - Second Quarter, are listed as follows:

#	Organization	Amount	Purpose	Location District
1	Amplifyme, Inc.	\$4,554	Dance Performance	3
2	4Ward Miami, Inc.	\$6,071	Festival	5
3	Anchor Arts Management, Inc. a/f/a for ALDT Corp.	\$4,554	Media Workshops	4, 5
4	Anchor Arts Management , Inc. a/f/a for Nu Flamenco Collaborative, Inc.	\$4,554	Performance/Installation	3, 9, 10
5	Art Creates US, Inc. d/b/a Project Art	\$4,554	Art Classes	2, 3, 5
6	ArtSouth, Inc.	\$4,554	Neighborhood Art Project	7
7	Barry University, Inc.	\$4,554	Festival	3
8	Big Blue & You, Inc.	\$6,071	Festival	7
9	Branches, Inc.	\$3,582	Festival	7
10	Center for the Advancement of Jewish Education, Inc.	\$9,105	Film Festival	3, 4, 5, 6, 7
11	Children's Hope Chest of Dreams, Inc.	\$4,554	Film Series	3
12	Dade Heritage Trust, Inc.	\$4,554	Tour Program	3
13	Dr. Martin Luther King Jr., Parade & Festivities Committee, Inc.	\$6,071	Parade	2, 3
14	Finger Lakes Grassroots Festival Organization, Inc.	\$6,071	Festival	3, 7
15	Florida International University Board of Trustees for the benefit of School of Music	\$2,428	Festival	5
16	Florida Opera Prima, Inc. a/f/a for Voices of Miami, Inc.	\$4,554	Festival	6, 12
17	France-Florida Foundation for the Arts, Inc.	\$4,554	Festival	3
18	Friends of South Florida Music, Inc.	\$4,554	Music Class	3
19	Global Arts Project, Inc.	\$3,035	Concert Series	5
20	Haitian American Youth Organization, Inc.	\$4,554	Cultural Event	11
21	Hispanic-American Lyric Theater, Inc. a/f/a for Kaleidoscope MusArt, Inc.	\$4,554	Performances	5, 7

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22	Inlets Foundation for Experimental Practices, Inc.	\$4,554	Art Events	3, 6, 7
23	Living Arts Trust, Inc. d/b/a O Cinema a/f/a for Bistoury, Inc.	\$4,554	Festival	3, 5
24	Miami Beach Arts Trust, Inc.	\$4,554	Online Zine Publication	5
25	Miami International Science Fiction Film Festival	\$4,554	Film Festival	5
26	Music in Miami, Inc.	\$4,249	Concert Series	3, 4
27	Nigerian-American Foundation, Inc.	\$3,946	Parade and Festival	1
28	Pantastik Music Academy, Inc.	\$3,946	Concert	1
29	Power Access, Inc.	\$4,554	Jazz Festival	1, 5
30	Power2VoiceCorp.	\$1,517	Art Exhibit	3, 6
31	Rotary Foundation of South Miami, Inc.	\$6,071	Festival	7
32	Shakespeare in the Park Miami, Inc.	\$4,554	Theater Festival	7
33	South Florida National Parks Trust, Inc.	\$4,554	Art Exhibit/Concert	9
34	St. Patrick's Day Committee, Inc.	\$3,946	Festival	7
35	The Miami Foundation, Inc. a/f/a for Obsolete Media Miami	\$4,554	Presentation	5
36	The Miami Foundation, Inc. a/f/a for Public Hives	\$4,554	Community Programming	1, 2, 3, 10
37	The Miami Foundation, Inc. a/f/a for The Unvoiced Community	\$1,517	Art/Food Project	8
38	The Opera Atelier, Inc. a/f/a for Miami International Ballet Competition	\$3,642	Ballet Performance	4
39	Tradisyon Lakou Lakay, Inc.	\$4,227	Spring Festival	3
40	United Jewish Generations, Inc.	\$3,642	Concert	4
41	Village of Pinecrest- Pinecrest Gardens	\$6,071	Arts Festival	7
42	World Literacy Crusade of FL, Inc.	\$4,554	Leadership Summit	3

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ADDITIONAL INFORMATION

The CG panel considers projects with strong community involvement and/or outreach component. Arts organizations not meeting these criteria should consider applications to other Department programs. The CG Program is particularly sensitive to the needs of indigenous cultural neighborhood activities and projects encouraging the preservation of heritage, traditions and culture, as well as social service organizations and cultural groups developing collaborative intervention projects using the arts.

All first-time applicants are required to attend a CG Workshop and schedule a consultation with the program administrator. Workshops also cover user registration and navigation of Culture Grants Online (CGO), the Department's grants management system. Returning applicants must schedule a consultation with the program administrator.

Community Grants Program:

<http://www.miamidadearts.org/community-grants-cg-program>

Community Grants Panel Members: http://www.miamidadearts.org/sites/default/files/files/inline/cg_panel_list_fy17-18_revised_0.pdf

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**Item No. 3C
File No. 172919**

Researcher: AIP Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO THE CITY OF NORTH MIAMI BEACH IN EXCHANGE FOR \$10.00 TO INSTALL AND MAINTAIN A SEWER LINE AT DOLPHIN CENTER SPECIAL TAX DISTRICT LINEAR PARK, LOCATED NEAR NW 24 AVENUE AND NW 196 TERRACE; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD THE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND DIRECTING THE CLERK OF THE BOARD TO PERMANENTLY STORE THE EASEMENT AND A COPY OF THIS RESOLUTION

ISSUE/REQUESTED ACTION

This item seeks to authorize the conveyance of an easement to the City of North Miami Beach, to install and maintain an underground sewage line, located in District 1.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-504-15 (*Require certain measures to reduce negative visual impact*) adopted by the Board on June 2, 2015, which requires the County to undertake certain measures to minimize negative aesthetic impact to the public prior to conveyance of an easement or license for the installation of utility lines and equipment on County-owned property. <http://intra/gia/matter.asp?matter=151008&file=true&yearFolder=Y2015>

Resolution No. R-974-09 (*Filing closing documents BCC Clerk*) adopted by the Board on July 21, 2009, which directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution. <http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: Parks, Recreation and Open Spaces**

This item has no procedural history.

FISCAL IMPACT

The conveyance of the easement to City of North Miami Beach will cost \$10.00, paid to the County. There is no other fiscal impact associated with this item.

ANALYSIS

The City of North Miami Beach is upgrading the sewer system that serves residents in the area around the Dolphin Center Special Tax District Linear Park. The easement spans 4,365 sq. ft. and is located along NW 24 Avenue and NW 196 Terrace. The area is adjacent to the Hard Rock Stadium/Dolphins Center, and located within the Dolphin Center Special Tax District. The proposed sewage line will be underground, so it will have no effect on the aesthetics of the area, and is therefore complying with Resolution No. R-504-15.

Google Maps satellite view of the area for the proposed sewage line: <https://goo.gl/maps/na8PSsFXDE12>

The city of North Miami Beach will maintain the line, conduct routine maintenance, repair, or replacement; it will have a right to select the contractor(s) of its choice for the project, and it will be obligated to restore pavement, curb-gutter,

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sidewalk and/or sod, to restore the surface of the Easement Area to the condition in which it existed immediately prior to the performance of the work.

ADDITIONAL INFORMATION

The North Miami Beach Water Department Owned and operated by the City of North Miami Beach, is counseled by the Public Utilities Commission, which acts as an advisory committee to the North Miami Beach City's Mayor and Council regarding decisions on water utility rates, expansions and expenditures. Currently, it serves over 170,000 customers in Northern Miami-Dade County.

City of North Miami Beach Water Department: <http://www.citynmb.com/index.asp?SEC=%7B94879C16-6EC7-4DCB-91C6-C21AD5ED310C%7D>