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

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 03-04-08)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 18, 2007

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

SUBJECT: Ordinance changing the boundaries of the City of Florida City

Ordinance 08-25

The accompanying ordinance was placed on the agenda by the Board of County Commissioners.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance changing the boundaries of the City of Florida City

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The ordinance changing the boundaries of the City of Florida City will have a positive impact to the Unincorporated Municipal Service Area (UMSA) of approximately $151,000. Additionally, the County will retain the franchise fees and utility taxes generated in the annexation area of approximately $1,500 and $2,600, respectively. This information was presented to the Board of County Commissioners on November 6, 2007, as part of the Florida City annexation report.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

fis01808

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

	"4-Day Rule" ("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
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
	No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(C)
03-04-08

ORDINANCE NO. 08-25

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. The municipal boundaries of the City of Florida City are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Florida City of the following property:

Annexation by the City of Florida City

Legal Description

A portion of Miami-Dade County generally bounded on the North by the centerline of theoretical SW 352 Street, bounded on the East by Krome Avenue (SW 177 Avenue), State Road 5 (US-1) and Card Sound Road, bounded on the South by theoretical SW 360 Street and bounded on the West by the former East right-of-way line of the Florida East Coast Rail Road, said parcel of land being more particularly described as follows;

BEGIN at the intersection of the North line of the Southeast one-quarter of Section 25, Township 57 South, Range 38 East, Miami-Dade County, Florida (centerline of theoretical SW 352nd Street) with the former East right-of-way line of the Florida East Coast Railroad as shown on the Florida Department of Transportation FEC RAILROAD ACQUISITION MAP recorded in Plat Book 124, Page 77 of the Public Records of Miami-Dade County, Florida; thence run East along the said North line of the Southeast one-quarter of said Section 25 and along the North line of the Southwest one-quarter of Section 30, Township 57 South, Range 39 East, Miami-Dade County, Florida (centerline of theoretical SW 352nd Street) to the intersection with the centerline of Krome Avenue (SW 177 Avenue) as shown on the Dade County Public Works Department Right-of-Way Map recorded in Plat Book 112, Page 90 of the Public Records of Miami-Dade County, Florida; thence run Southerly and Southeasterly along said centerline of Krome Avenue (SW 177 Avenue), the centerline of State Road 5 (US-1) as shown on the Florida Department of Transportation Right-of-Way Map recorded in Plat Book 60, Page 36 of the Public Records of said Miami-Dade County and the centerline of Card Sound Road to the intersection with the South line of the Southwest 1/4 of said Section 30 (theoretical centerline of SW 360 Street); thence Westerly along the South line of the Southwest 1/4 of said Section 30 (theoretical centerline of SW 360 Street) to the intersection with the above mentioned former East right-of-way line of the Florida East Coast Railroad; thence Northwesterly along said former East right-of-way line of the Florida East Coast Railroad to the POINT OF BEGINNING.

encompassing an area described by Resolution No. 04-47, passed and adopted by the Commission of the City of Florida City, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexed area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County, this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. This Ordinance shall be effective only if the City of Florida City executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to: (a) pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at $1,000 per year for approximately 25 years until FY 2028-29 or as provided in the interlocal agreement and (b) the City agrees that the County will retail all zoning and permitting authority over rockmining, lake excavations and related requests within the annexation area in perpetuity.

Section 5. 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 6. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 7. 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: **March 4, 2008**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller

Sponsored by the Board of County Commissioners

RESOLUTION NO. 04-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FLORIDA CITY REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY TO EFFECT BY ORDINANCE ANNEXATION OF THE SUBJECT PROPERTY (AREA "F") INTO THE JURISDICTION OF THE CITY OF FLORIDA CITY

WHEREAS, Section 5.04 of the Charter of Metropolitan Miami-Dade County, Florida, empowers the Board of County Commissioners of Miami-Dade County, Florida, to effect annexation on request of the governing body of a municipality; and

WHEREAS, the governing body of the City of Florida City consists of the City Commission; and

WHEREAS, the subject Annexation Area "F" is located generally west of South Krome Avenue and U. S. Highway 1, and south of SW 352nd Street;

WHEREAS, the City of Florida City has prepared an annexation report containing the information and justification required by Chapter 20 of the Miami- Dade County Code;

WHEREAS, the proposed Annexation Area "F" is adjacent to the City and can be more effectively served by Florida City services and facilities; and

WHEREAS, the City Commission of the City of Florida City is making this request in order to provide for its future city growth needs in a prudent and orderly fashion;

THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF FLORIDA CITY, FLORIDA:

That the City of Florida City hereby requests the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Section 5.04 of the Charter of Metropolitan Miami-Dade County and Chapter 20 of the Miami-Dade County Code of Ordinances, to effect annexation of the property designated Area "F" as legally described in Exhibit A attached hereto and made a part hereof. In addition, that formal application requesting this annexation be made to Miami-Dade County as soon as possible utilizing the annexation report contained in Exhibit B to this resolution.

PASSED AND ADOPTED by the Mayor and City Commissioners of the City of Florida City, Florida, this 14th Day of December, 2004.

OTIS T. WALLACE, MAYOR

ATTEST:

JENNIFER A. EVELYN, CITY CLERK

Approved as to form and legal sufficiency:

LLOYD S. MARKS, City Attorney

Offered by: Mayor

Motion to adopt by Comm. Berry **seconded by** Comm. R.S. Shiver

FINAL VOTE AT ADOPTION

Mayor Otis T. Wallace	Yes
Vice Mayor Juanita S. Smith	Yes
Commissioner Tommy Dorsett	Absent
Commissioner R.S. Shiver	Yes
Commissioner Eugene D. Berry	Yes

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I Jennifer A. Evelyn City Clerk
Of the City of Florida City, Florida do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.
WITNESS, my hand and the seal of said City
this 11th day of April AD 2005.
BY:

EXHIBIT A

Florida City's Annexation Area "F"

Legal Description

Commence at the intersection of the theoretical SW 352 Street right-of-way center line and the East right-of-way line of the Florida East Coast Railroad right-of-way, thence Easterly along the theoretical 352 Street right-of-way center line to the intersection with Krome Avenue (SW 177th Avenue) right-of-way center line, thence Southerly along the center line of Krome Avenue and US 1 right-of-way to the Southern boundary of the property with folio number 30-7930-001-0452, approximately two hundred sixty (260) feet North of the theoretical SW 360 Street right-of-way center line, less the parcel of land with folio number 30-7930-001-0460, thence Westerly from the center line of US 1 right-of-way to the East right-of-way line of the Florida East Coast Railroad right-of-way, thence Northwesterly along said East right-of-way line to the point of commencement; and

Land description obtained from deed recorded in Book 10255; Page 2001; of the public records of Miami-Dade County, Florida: from a point at the intersection of the southwest line of State Road No. 5 and the west line of Lot 10; Block 3; in Section 30; Township 57 South, Range 39 East; of the Miami Land and Development Subdivision as recorded in Plat Book 5; Page 10, of the public records of Dade County, Florida, run southeasterly along the southwesterly right-of-way line of said State Road No. 5 a distance of 300.00 feet to the point of beginning for the following described tract of land; thence continue southeasterly along the southwesterly line of State Road No. 5 a distance of 180.00 feet to a point; run westerly along a line parallel to the south line of Lot 10, Block 3, said line also being the south line of the southwest one-quarter of Section 30, Township 57 South, Range 39 East; a distance of 155.30 feet to a point; said point being on the west line of Lot 10, Block 3; thence run northerly along the west line of Lot 10; Block 3, a distance of 173.85 feet to a point; thence run easterly along a line parallel to the south line of Lot 10, Block 3, a distance of 106.20 feet to the point of beginning; lying and being in the southwest one-quarter of Section 30, Township 57 South, Range 39 East, Dade County, Florida.

And; Land description obtained from deed recorded in Book 11833, Page 464, of said Public Records: A parcel of land containing 0.25 acres, more or less; being a portion of Lots 8 and 9, Block 3, Miami Land Development Company Subdivision in Section 30; Township 57 South, Range 39 East, according to the Plat thereof as recorded in Plat Book 5, Page 10, of the public records of Miami-Dade County, Florida; being more particularly described as follows: commence at the southwest corner of said Section 30; thence N 89 ° 48' 01" E along the south line of said Section 30; said south line also being the south line of said Lot 9, Block 3 for 686.14 feet to the southwest corner of Lot 10, Block 3, as shown on said Plat of Miami Land Development Company Subdivision; thence N 00°17'50" W along the west line of said Lot 10 for 517.94 feet to the point of beginning of the hereinafter described parcel of land; thence continue N 00°17'50" West along said west line of Lot 10 for 173.10 feet; thence S 89°48'01" W for 62.91 feet to an

intersection with a line 62.91 westerly of, as measured at right angles and parallel to said west line of Lot 10; Thence S 0°17'50" East along said parallel line for 173.10 feet; thence N89°48'01" East for 62.91 feet to the point of the beginning.
And;
A parcel of land being portions of Tracts 9 and 10, Block 3, Section 30, Township 57 South, Range 39 East and Tract 6, Block 2, Section 31, Township 57 South, Range 39 East, of the Plat of lands belonging to the Miami Land and Development Company, according to the Plat thereof as recorded in Plat Book 5, Page 10 of the Public Records of Miami-Dade County, Florida being more particularly described by metes and bounds as follows:

Commence at the West quarter corner of said Section 30' thence S00'16'23"E, along the west line of said Section 30 for 664.41 feet to an intersection with the North line of Tract 7, Block 3, Section 30, Township 57 South, Range 39 East, of said Plat of Lands belonging to Miami Land and Development Company; thence N89'40'52" East along said North line for 61.69 feet to an intersection with the Easterly right-of-way line of the Florida East Coast Railroad Right-of-way; thence S11'21'30"E along said easterly right-of-way line for 1716.84 feet to the point of beginning of the hereinafter described parcel of land; thence N89'48'01"E for 492.87 feet to an intersection with the westerly right-of-way of U.S. Highway No. 1 (State Road No. 5), said intersection being on the arc of a circular curve concave to the Southwest and bearing N80'08'45"E from the center of said curve; thence Southeasterly along said Westerly right-of-way line, along the arc of said curve; having a radius of 2789.93 feet and central angle of 2'21'39" for 114.96 feet to a non-tangential intersection with the Northerly limit of a 330 foot wide Florida Power and Light Company right-of-way; thence S50'42'07" W along said Northerly limit for 541.26 feet to an intersection, with the aforementioned Easterly right-of-way of the Florida East Coast Railroad; thence N11'21'30" W along said Easterly right-of-way line for 463.81 feet to the point of beginning.

EXHIBIT B

Annexation Area "F" Report

(To be provided)

II. Legal Description and Location Map

Florida City's Annexation Area "F"

Legal Description

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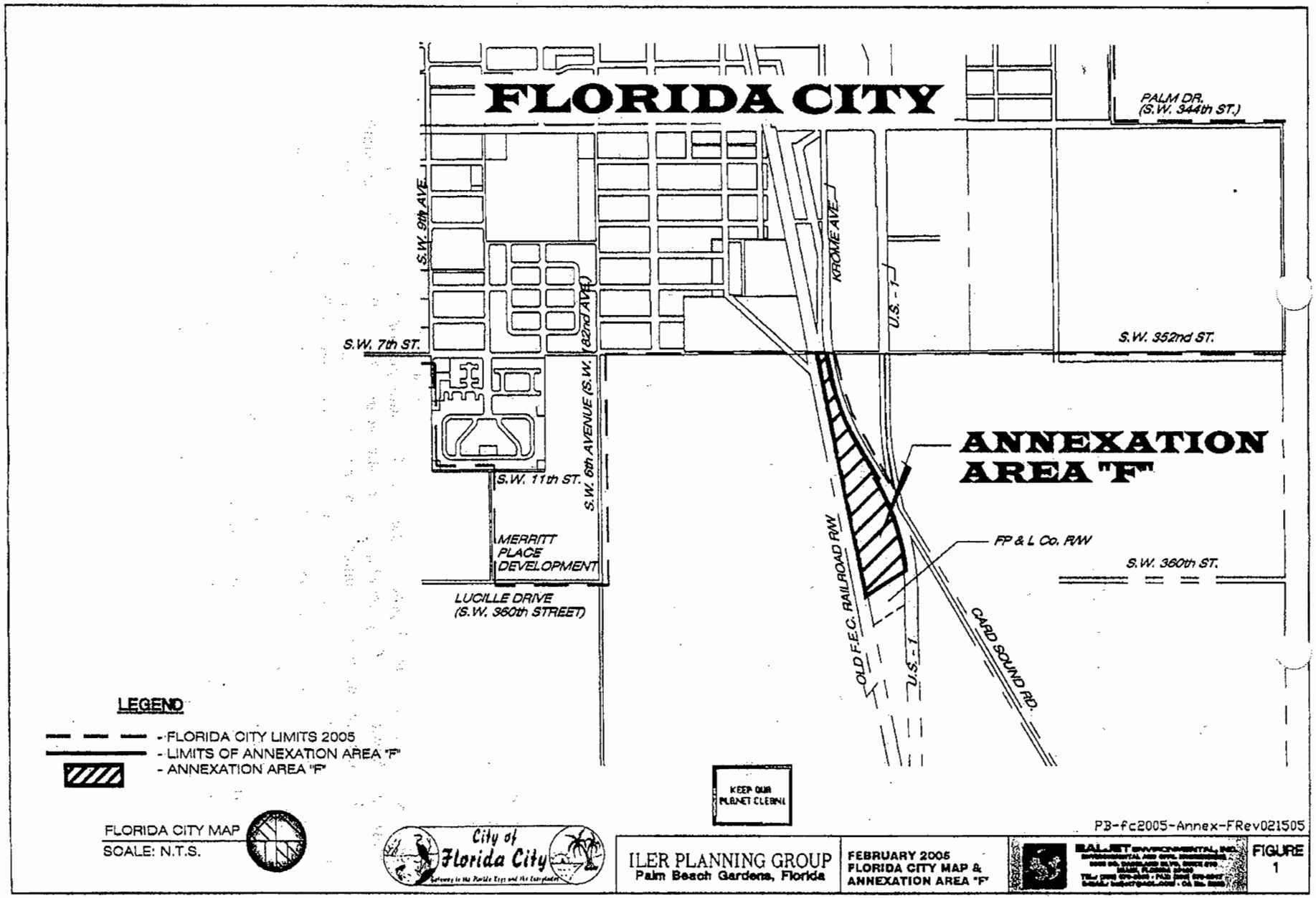
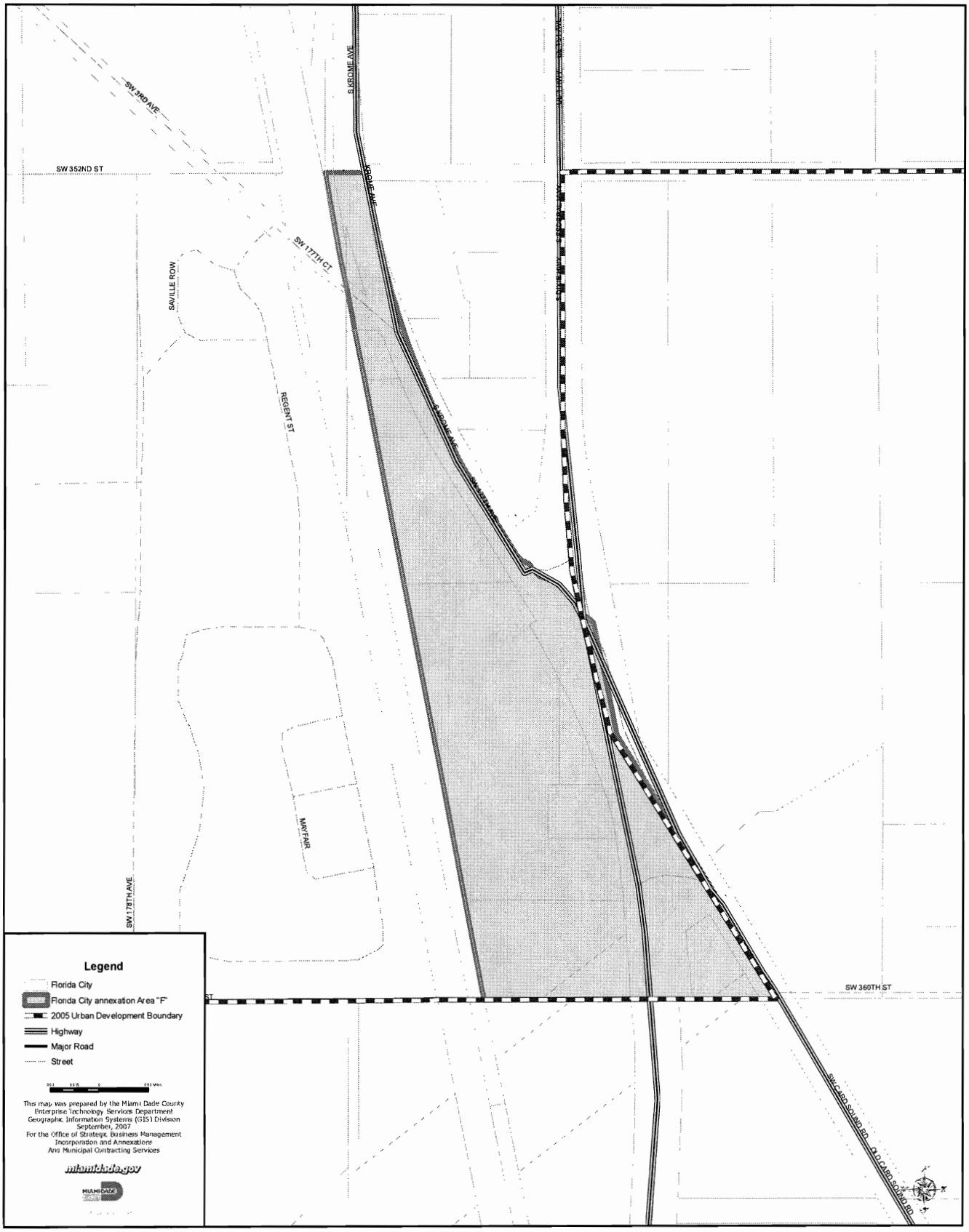

FLORIDA CITY
PALM DR. (S.W. 344th ST.)
S.W. 9th AVE
KROME AVE
U.S. - 1
S.W. 7th ST.
(2nd AVE)
S.W. 352nd ST.
S.W. 6th AVENUE (S.W.
ANNEXATION AREA "F"
S.W. 11th ST.
MERRITT PLACE DEVELOPMENT
FP & L Co. R/W
S.W. 360th ST.
LUCILLE DRIVE (S.W. 360th STREET)
OLD F.E.C. RAILROAD R/W
CARD SOUND RD.
U.S. - 1
LEGEND
- FLORIDA CITY LIMITS 2005
- LIMITS OF ANNEXATION AREA "F"
- ANNEXATION AREA "F"
KEEP OUR PLANET CLEAN!
FLORIDA CITY MAP
SCALE: N.T.S.
City of Florida City
PB-fc2005-Annex-FRev021505
ILER PLANNING GROUP
Palm Beach Gardens, Florida
FEBRUARY 2005
FLORIDA CITY MAP & ANNEXATION AREA "F"
FIGURE 1

Miami-Dade County

Florida City Annexation Area "F"