

MEMORANDUM

Amended
Agenda Item No. 7(E)

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

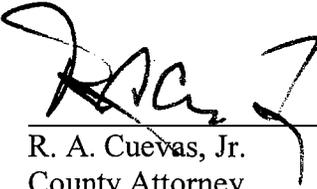
DATE: (Second Reading 5-6-08)
February 19, 2008

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

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

O#08-54

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



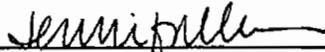
Date: May 6, 2008

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 Homestead

The ordinance changing the boundaries of the City of Homestead will have a positive impact to the Unincorporated Municipal Service Area (UMSA) of approximately \$56,000. Additionally, the County will retain the franchise fees and utility taxes generated in the annexation area of approximately \$2,800 and \$3,900, respectively. This information was presented to the Board of County Commissioners on December 20, 2007, and on January 10, 2008, as part of the City of Homestead annexation reports for NW1 and NW2 respectively.



Jennifer Glazer Moon
Director, Office of Strategic Business Management

Fis02208



MEMORANDUM
(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Amended
Agenda Item No. 7(E)

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 _____

Amended
Agenda Item No. 7(E)
5-6-08

ORDINANCE NO. 08-54

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF HOMESTEAD, 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 Homestead are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Homestead of the following property:

**CITY OF HOMESTEAD
COMBINED LEGAL DESCRIPTION
ANNEXATION AREAS NW-1 & NW-2**

A parcel of land lying in Sections 2 and 11, Township 57 South, Range 38 East, Miami-Dade County, Florida; being more particularly described as follows:

Begin at the southeast corner of the northwest one-quarter of the aforementioned Section 11, also being the intersection of the centerlines of S.W. 304th Street (Kings Highway) and S.W. 192nd Avenue (Tower Road); thence northerly along the east line of the

northwest one-quarter of the aforementioned Section 11, also being the centerline of S.W. 192nd Avenue (Tower Road), to the intersection with the south line of north 329 feet of the west 265 feet of the northeast one-quarter of the aforementioned Section 11; thence easterly to the intersection with the east line of the west 265 feet of the northeast one-quarter of the aforementioned Section 11; thence northerly along the east line of the west 265 feet of the northeast one-quarter of the aforementioned Section 11 to the intersection with the south line of the Southeast one-quarter of the aforementioned Section 2, also being the centerline of S.W. 296th Street (Avocado Drive); thence easterly along the south line of the southeast one-quarter of the aforementioned Section 2, also being the centerline of S.W. 296th Street (Avocado Drive), to the intersection with the east line of the west one-half of the southeast one-quarter of the aforementioned Section 2, also being the centerline of S.W. 189th Avenue; thence northerly along the east line of the west one-half of the southeast one-quarter of the aforementioned Section 2, also being the centerline of S.W. 189th Avenue, to the north line of the southeast one-quarter of the aforementioned Section 2, also being the centerline of the S.W. 288th Street (Biscayne Drive); thence westerly along the north line of the southeast one-quarter of the aforementioned Section 2, also being the centerline of S.W. 288th Street (Biscayne Drive), and along the north line of the southwest one-quarter of the aforementioned Section 2, also being the centerline of S.W. 288th Street (Biscayne Drive), to the west line of the east one-half of the east one-half of the southwest one-quarter of the aforementioned Section 2, also being the centerline of S.W. 193rd Avenue; thence southerly along the west line of the east one-half of the east one-half of the southwest one-quarter of the aforementioned Section 2, also being the centerline of S.W. 193rd Avenue, to the intersection with the north line of the northwest one-quarter of aforementioned Section 11, also being the centerline of S.W. 296th Street (Avocado Drive); thence westerly along the north line of the northwest one-quarter of the aforementioned Section 11, also being the centerline of S.W. 296th Street (Avocado Drive), to the intersection with the west line of the east one-half of the northwest one-quarter of the northwest one-quarter of the aforementioned Section 11, thence southerly along the west line of the east one-half of the northwest one-quarter of the northwest one-quarter and the west line of the northeast one-quarter of the southwest one-quarter of the northwest one-quarter to the intersection with the south line of the northeast one-quarter of the southwest one-quarter of the northwest one-quarter of the aforementioned Section 11, also being the centerline of S.W. 302nd Street; thence easterly along the south line of the

northeast one-quarter of the southwest one-quarter of the northwest one-quarter of the aforesaid Section 11, also being the centerline of S.W. 302nd Street, to the intersection with the west line of the southeast one-quarter of the northwest one-quarter of the aforesaid Section 11, also being the centerline of S.W. 194th Avenue; thence southerly along the west line of the southeast one-quarter of the northwest one-quarter of the aforesaid Section 11, also being the centerline of S.W. 194th Avenue, to the intersection with the south line of northwest one-quarter of the aforesaid Section 11, also being the centerline of S.W. 304th Street (Kings Highway); thence easterly along the south line of the northwest one-quarter of the aforesaid Section 11, also being the centerline of S.W. 304th Street (Kings Highway), to the Point of Beginning, containing 222.29 acres more or less.

encompassing an area described by Resolutions No. R2004-04-36 and R2005-09-128, passed and adopted by the City Council of the City of Homestead, which resolutions are attached hereto as Attachment A and Attachment B respectively and made a part hereof by reference. A map depicting the annexed area is attached hereto as Attachment C 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 C, 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 Homestead executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to: pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service as provided in the interlocal agreement.

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: (a) 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 and (b) only if approved by a majority vote of the electors voting in an election to be called by this Board.

PASSED AND ADOPTED: **May 6, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Sponsored by the Board of County Commissioners

I. Homestead City Council Resolution No. R2004-04-36

RESOLUTION NO. R2004-04-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, PROPOSING TO ANNEX INTO THE CITY AN AREA OF CONTIGUOUS REAL PROPERTY LOCATED GENERALLY NORTH OF SW 293TH STREET, SOUTH OF SW 288TH STREET AND WEST OF SW 189TH AVENUE, COMMONLY KNOWN AS "ANNEXATION AREA NW1" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 20-3 of the Miami-Dade County Code of Ordinances ("County Code") requires a Resolution of the City Council of the City of Homestead (the "City Council") approving submittal of an application for the annexation of unincorporated property into the jurisdictional limits of the City; and

WHEREAS, the City Council desires to apply to Miami-Dade County for approval of the proposed annexation of property described in Exhibit "A" (the "Property") owned by Dunagan's Fruit Groves, Inc. (the "Owner") as set forth within the annexation application attached as Exhibit "B;" and

WHEREAS, the existing Miami-Dade County zoning classification for the Property is AG (Agriculture) and the Land Use Designation on the Miami-Dade County Comprehensive Development Master Plan is Estate Density; and

WHEREAS, pursuant to Section 30-365 of the City Code of Ordinances ("City Code"), development of the Property will not be permitted after annexation until such time as the owner applies for and the City Council amends the City's Comprehensive Plan and re-zones the Property to conform with the requirements of the City Code; and

WHEREAS, the City Council finds that the proposed annexation meets the goals and objectives of the City's Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AS FOLLOWS:

Section 1. Approval. The City Council hereby expresses its support for the proposed annexation.

Section 2. Zoning of Annexed Lands. The initial zoning of the annexed lands shall be as provided by Section 30-366 of the City's Code of Ordinances.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 19th day of April, 2004.



ROSCOE WARREN
Mayor

ATTEST:



SHARON AUXIER, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY ONLY:

Silvia L. Swartz

WEISS SEROTA HELFMAN PASTORIZA GUEDES COLE & BONISKE P.A.
City Attorney

Offered by Mr. Losner

Motion to adopt by Mr. Losner seconded by Mr. Porter

FINAL VOTE AT ADOPTION

Mayor Roscoe Warren	<u>YES</u>
Vice Mayor Lynda Bell	<u>YES</u>
Councilwoman Amanda S. Garner	<u>YES</u>
Councilman Norman L. Hodge, Jr.	<u>YES</u>
Councilman Steven D. Losner	<u>YES</u>
Councilman Jeffrey D. Porter	<u>YES</u>
Councilwoman Judy Waldman	<u>YES</u>

R2004-04-25 ANNEXATION OF NW1 - DUNAGAN'S FRUIT GROVES

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II. Legal Description and Location Map

The legal description of Annexation Area NW1 is provided below and a location map of the Area is presented on the subsequent page.

2 57 38 60.000 AC W1/2 OF SE1/4 LESS W1/4 OF W1/2 OF SE1/4 FAU 30 7802 000 0280
OR 205971614 0802 6.

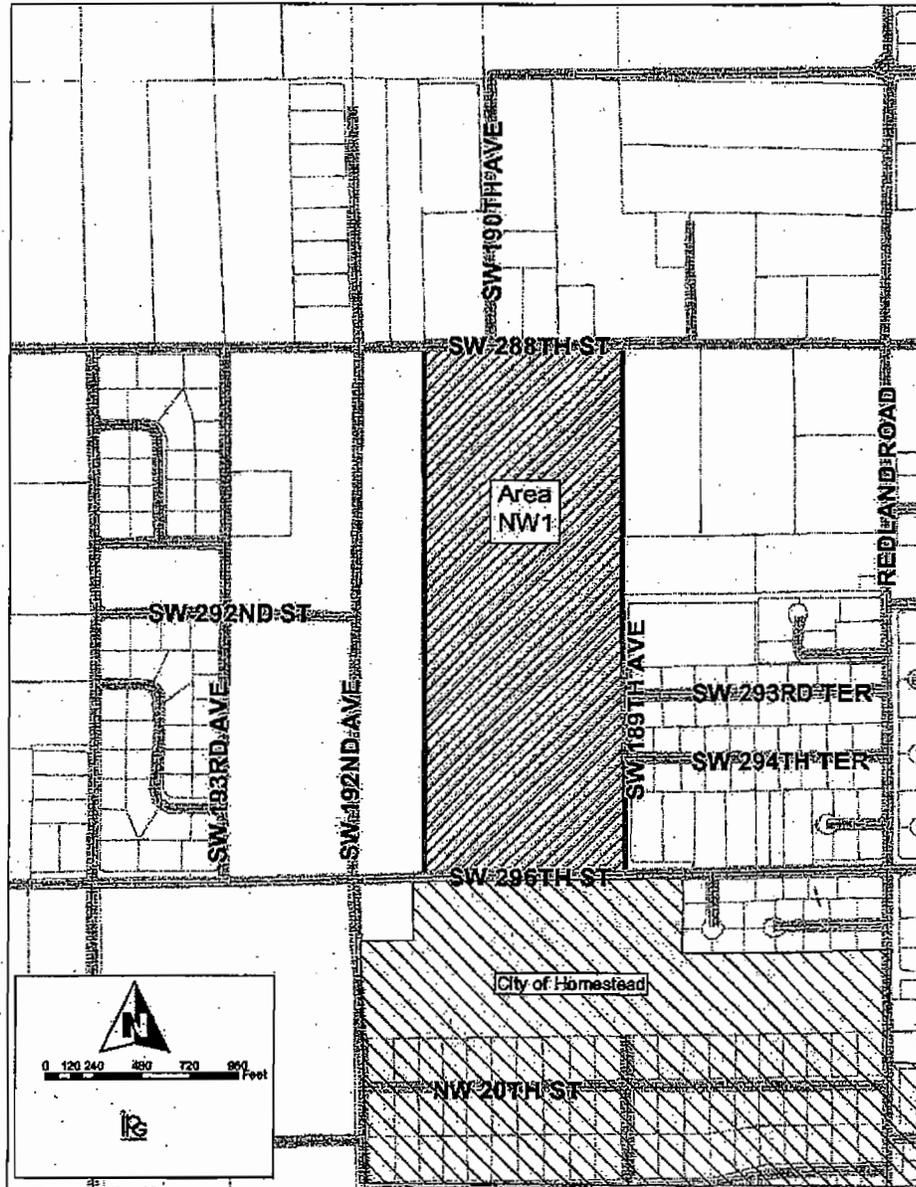


Figure 1. Location Map of Annexation Area NW1

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RESOLUTION NO. R2005-09-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, PROPOSING TO ANNEX INTO THE CITY AN AREA OF CONTIGUOUS REAL PROPERTY GENERALLY LOCATED NORTH OF SW 304TH STREET, SOUTH OF SW 288TH STREET AND WEST OF SW 192ND AVENUE, COMMONLY KNOWN AS "ANNEXATION AREA NW2" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 20-3 of the Miami-Dade County Code of Ordinances ("County Code") requires a Resolution of the City Council of the City of Homestead (the "City Council") approving submittal of an application for the annexation of unincorporated property into the jurisdictional limits of the City; and

WHEREAS, the City Council desires to apply to Miami-Dade County for approval of the proposed annexation of property described in Exhibit "A" (the "Property") owned by JMC Groves, Inc., Sunshine Family Homes Inc., Candace and Craig Wicke, William A. Pena, Annabell and S.E. Griffis, and Jolayne Pena Alger Trust (the "Owners") as set forth within the annexation application attached as Exhibit "B;" and

WHEREAS, the existing Miami-Dade County zoning classification for the Property is AU (Agricultural) and the Land Use Designation on the Miami-Dade County Comprehensive Development Master Plan is Estate Density; and

WHEREAS, pursuant to Section 30-366 of the City Code of Ordinances ("City Code"), a property owner within the Property will not be permitted to develop his or her property after annexation, until such time as the owner applies for and the City Council amends the City's Comprehensive Plan (the "Plan") and re-zones his or her property to conform with the requirements of the City Code and Plan; and

WHEREAS, the City Council finds that the proposed annexation meets the goals and objectives of the City's Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AS FOLLOWS:

Section 1. Approval. The City Council hereby expresses its support for the proposed annexation.

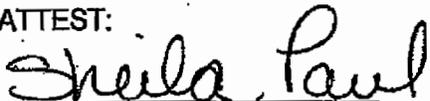
Section 2. Zoning of Annexed Lands. The initial zoning of the annexed lands shall be as provided by Section 30-366 of the City's Code of Ordinances.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 6th day of September, 2005.



ROSCOE WARREN
Mayor

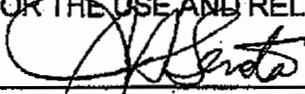
ATTEST:

SHEILA PAUL, CMC
City Clerk

CERTIFIED COPY

CITY CLERK
CITY OF HOMESTEAD
DATE: 9/8/05

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY ONLY:



WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE P.A.
City Attorney

Motion to adopt by Councilman Losner seconded by Vice Mayor Bell

FINAL VOTE AT ADOPTION

<i>Mayor Roscoe Warren</i>	<u>YES</u>
<i>Vice Mayor Lynda Bell</i>	<u>YES</u>
<i>Councilwoman Amanda S. Garner</i>	<u>YES</u>
<i>Councilman Norman L. Hodge, Jr.</i>	<u>ABSENT</u>
<i>Councilman Steven D. Losner</i>	<u>YES</u>
<i>Councilman Jeffrey D. Porter</i>	<u>YES</u>
<i>Councilwoman Judy Waldman</i>	<u>ABSENT</u>

EXHIBIT "A"

The legal description of Annexation Area NW2 is provided below and a location map of the Area is presented on the subsequent page.

2 57 38 58.41 AC W1/4 OF W1/2 OF SE1/4 & E1/2 OF E1/2 OF SW1/4 LESS W328FT OF N325FT OF S675FT OF W1/2 OF E1/2 OF NE1/4 OF SW1/4 OR 20597-1304 0802 6.

and

2 57 38 2.45 AC W328FT OF N325FT OF S675FT OF W1/2 OF E1/2 OF NE1/4 OF SW1/4 LESS E S & W25FT FOR RDS LOT SIZE IRREGULAR OR 20597-1305 082002 4.

and

11 57 38 2 AC N329FT OF W265FT OF NE1/4 OR 21310-2760 05/2003 4.

and

11 57 38 5 AC E1/2 OF NE1/4 OF NW1/4 OF NW1/4 OR 15287-178 1191 5.

and

11 57 38 14.47AC M/L E1/2 OF NW1/4 OF SE1/4 OF NW1/4 & SW1/4 OF SE1/4 OF NW1/4 LESS S35FT FOR R/W OR 17923-4304 & 4305 1297 4 (3).

and

11 57 38 25 AC W1/2 OF NE1/4 OF NW1/4 OF NW1/4 & SE1/4 OF NW1/4 OF NW1/4 & NE1/4 OF SW1/4 OF NW1/4 OR 12795-3506 0785 1.

and

11 57 38 4.45 AC W1/2 OF NW1/4 OF SE1/4 OF NW1/4 LESS N25FT & W25FT LOT SIZE SITE VALUE OR 17923-4304 & 4305 1297 4 (3).

and

11 57 38 32.93 AC HOMESTEAD MANOR REV PB 32-77 TRACTS 1 & 2 LOT SIZE IRREGULAR OR 10626-1631 0180 1 COC 21584-1244 08 2003 1.

and

11 57 38 17.58 AC HOMESTEAD MANOR REV PB 32-77 TRACT 3 LOT SIZE IRREGULAR OR 17923-4304 % 4305 1297 4 (3).

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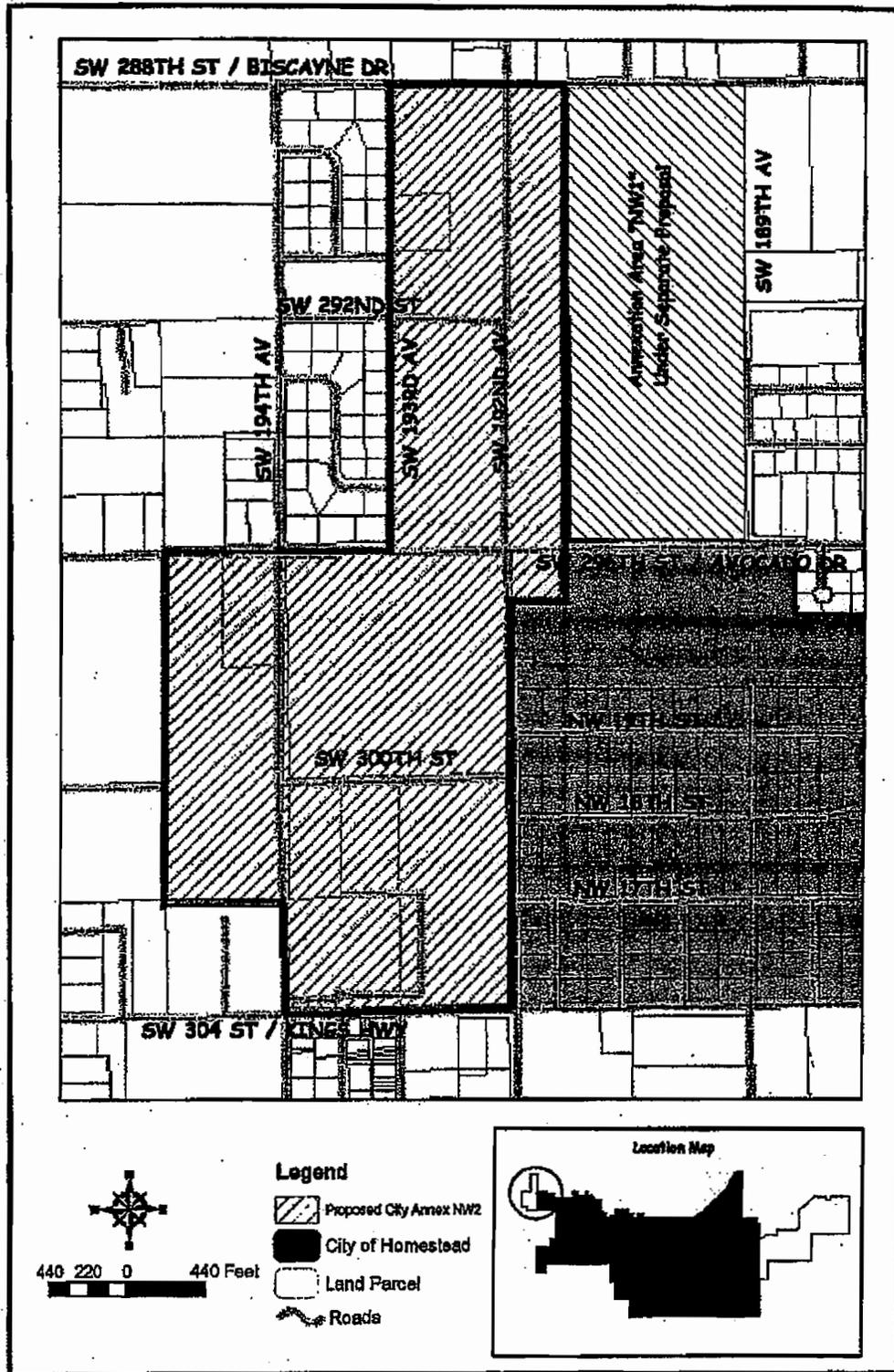


EXHIBIT 1: Location Map of Proposed "NW2" Annexation Area



EXHIBIT 1

