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

Memorandum

MIAMI-DADE COUNTY

(Public Hearing 4-7-09)

Date: March 3, 2009

Agenda Item No. 5(A)

Ordinance No. 09-18

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Palms at Bella Vista Multipurpose Maintenance Special Taxing District

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the Palms at Bella Vista Multipurpose Maintenance Special Taxing District. The creation of this District is pursuant to Public Works Department policy. The multipurpose maintenance program will remain dormant until such time as any Homeowners Association or Community Development District (CDD) fails to provide the required maintenance services.

Scope

This proposed special taxing district lies within Commission District Nine (9) and will provide multipurpose maintenance services, if and when necessary.

Fiscal Impact/Funding Source

Creation of this District will result in no economic impact on the County's budget. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the District upon acceptance of the plat required improvements by Miami-Dade County and upon the failure of any Homeowners Association or CDD to provide the required maintenance services. Such services will be funded by special assessments against benefited property.

The economic impact on the private sector will be a perpetual annual special assessment for the cost of maintenance services to all property owners within the District, if and when necessary.

At this time there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

Track Record/Monitoring

In the event any Homeowners Association or CDD fails to provide maintenance services, the Miami-Dade County Park and Recreation and Public Works Departments will provide the District's required maintenance services and cause implementation of special assessments for the costs of such services against benefited property, as well as contract monitoring, compliance and enforcement.

Background

Boundaries:	On the North, E. Arthur Vining Davis Parkway (SW 336th Street); On the East, theo. SE 11th Avenue (theo. SW 168th Court); On the South, SE 20th Street (SW 340th Street); On the West, theo. SE 9th Avenue (theo. SW 169th Avenue); (Miami-Dade County street numbering shown in parentheses).
Number of Parcels:	1 (Tentative plat proposes 92 townhouse units).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None - The petition was submitted by Ten Acres, LLC., the sole property owner and developer.
Preliminary Public Meeting:	None necessary.
Required Referendum:	The creation of this District will be subject only to BCC approval; no election will be necessary as 100 percent of the owners signed the petition.
Preliminary Assessment Roll:	In the event any Homeowners Association or CDD fails to provide the maintenance services below, and contingent upon BCC approval of this District's creation ordinance, a hearing before the BCC to adopt the multipurpose maintenance assessment roll will be conducted. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

Proposed Service and Improvements

Multipurpose Maintenance Services:	The creation of this District is requested to maintain the landscaped areas, and entrance features adjacent to public right-of-way and private common areas should any Homeowners Association or CDD fail to provide these services. Failure to provide maintenance within the private road area is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.
Estimated Initial Billing:	Assessment billed annually as an itemized portion of the annual tax bill.

Initial Start of Service

Multipurpose Maintenance Services: October 1st following cessation of maintenance services by the developer and failure of any Homeowners Association or CDD to provide services.

Method of Apportionment

Maintenance Services:	Square Footage	
Estimated Annual Total Cost	**First Year**	**Second Year**
Maintenance Services:	$25,380	$17,800
Estimated Annual Rate	**First Year**	**Second Year**
Maintenance Services:	$0.0597	$0.0419
Estimated Annual Assessments	**First Year**	**Second Year**
For A Typical Townhouse Lot (Low):	$279.46	$196.13
For A Typical Townhouse Lot (High):	$348.29	$244.44

The annual assessments shown above are representative of costs for typical townhouse units within this District.

State or Federal grants are not applicable to this special taxing district.

Each special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide these services is the best and most cost-effective method to achieve this benefit.

In compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this District be created pursuant to Section 18-22.1 of the Code.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

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

SUBJECT: Agenda Item No. 5(A)

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 Mayor'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. 5 (A)
4-7-09

ORDINANCE NO. **09-18**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS PALMS AT BELLA VISTA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape improvement and maintenance programs, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the PALMS AT BELLA VISTA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing maintenance of landscaped areas, entrance features, and those private common areas located within the public domain to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the maintenance programs to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each square foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries

and location of the proposed district. Such "Report and Recommendations" of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owner/developer/petitioner and the report and recommendations of the County Manager -- said hearing was held on Tuesday, **April 7, 2009** . Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, **April 7, 2009** , held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager, and the provisions of Chapter 18 of the Miami-Dade County Code,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district to be known and designated as the PALMS AT BELLA VISTA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT is hereby created and established entirely within the municipal limits of the City of Homestead, Florida, who approved the creation of this special district per Resolution R-2005-04-58.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

> Portion of Section 19, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> Tract 3 in Block 4 lying in said Section 19, Township 57 South, Range 39 East of "Plat of Land Belonging to the Miami Land and Development Company" according to the plat thereof, as recorded in Plat Book 5 at Page 10 of the Public Records of Miami-Dade County, Florida less therefrom the North 30.00 feet as recorded in Deed Book 1683 at Page 30 of the Public Records of Miami-Dade County, Florida. The said North 30.00 feet is the same right-of-way as delineated on said "Plat of Land Belonging to the Miami Land and Development Company" (a.k.a. Palms at Bella Vista, Tentative Plat #T-23031).

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The service to be provided within this proposed special taxing district will initially consist of the following:

> Maintain the landscape areas, and entrance features adjacent to public right-of-way and those private common areas should any Homeowners Association or CDD fail to provide these services. Failure to provide maintenance within the private road area is defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.

Section 4. The estimated cost to the property owners for the maintenance and operation of the district's improvements and/or services including engineering, administration, billing, collecting and processing for the first year is $25,380, and $17,800 for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district

is $0.0597 for the first year, and $0.0419 for the second year. The second and succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. Miami-Dade County, as administrator of this district's maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Manager's report which is made a part hereof by reference. If there is a proposed significant change to the level of services to be provided, the Park and Recreation Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of services.

Section 7. The County Manager is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the district in accordance with the provisions of this Ordinance. However, multipurpose maintenance services will be provided by the taxing district in accordance with the provisions of this ordinance only if a Homeowners Association and, if applicable, a community development district, have failed to provide these maintenance services and the County has adopted this district's multipurpose maintenance assessment roll.

Section 8. The County Manager is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance 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. In accordance with

utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **April 7, 2009**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James K. Kracht

REPORT AND RECOMMENDATIONS
ON THE CREATION OF PALMS AT BELLA VISTA
MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are hereby submitted concerning the creation of Palms at Bella Vista Multipurpose Maintenance Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed district is located entirely within the municipal limits of the City of Homestead, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of Homestead to create this special district per Resolution No. R-2005-04-58, a copy of which is attached, and the boundaries, as set forth in the petition, are as follows:

> Portion of Section 19, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> Tract 3 in Block 4 lying in said Section 19, Township 57 South, Range 39 East of "Plat of Land Belonging to the Miami Land and Development Company" according to the plat thereof, as recorded in Plat Book 5 at Page 10 of the Public Records of Miami-Dade County, Florida less therefrom the North 30.00 feet as recorded in Deed Book 1683 at Page 30 of the Public Records of Miami-Dade County Florida. The said North 30.00 feet is the same right-of-way as delineated on said "Plat of Land Belonging to the Miami Land and Development Company" (a.k.a. Palms at Bella Vista, Tentative Plat #T-23031).

The boundaries are shown on the attached plan entitled Palms at Bella Vista Multipurpose Maintenance Special Taxing District and hereinafter referred to as Exhibit A.

2. LOCATION AND DESCRIPTION OF THIS DISTRICT

The creation of this district is requested to provide the services specified below regarding maintenance of all landscape areas, and entrance features adjacent to right-of-way within the boundaries of the District along with those private areas more fully described on the Attachment to Exhibit A. Service will commence following failure of any Homeowners Association or CDD to provide these services, and the City of Homestead requests Miami-Dade County to provide service. Miami-Dade County may activate the District by adoption of the District's assessment roll at a subsequent public hearing.

3. . ESTIMATED COST FOR THIS DISTRICT

The proposed District is to be created to provide maintenance only in the event that any Homeowners Association or CDD fail to provide the services as described in Item 2 above. Following commencement of services by the district, any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by Miami-Dade County as administrator. The deletion of services is subject to maintaining a minimum level of services as determined by the Miami-Dade County Public Works Department. Maintenance services may not be entirely eliminated unless the District is abolished.

The County may elect, due to the location and type of maintenance required, to provide landscape maintenance services utilizing an open contract for swale maintenance when significant service cost savings can be realized.

A cost estimate developed by the Public Works Department, based on estimates previously provided by the Park and Recreation Department for similar maintenance taxing districts, indicates the annual cost for the initial maintenance program to be $13,860 for the first and second years. In addition to that cost, it will be necessary for the County to recover the administrative, processing, billing, and advertising costs incurred in establishing and maintaining the District as provided by Chapter 18 of the Code, as well as provide for contingency and discount costs. This cost is estimated to be $11,520 the first year and $3,940 the second year. An annual meeting will be conducted with the owners of real property within the District as an integral part of the annual budget process. This will enable Miami-Dade County, as administrator, to secure suggestions from affected community representatives or association to improve delivery and lower costs of the services provided within the scope of the District's authorized functions as specified in Item 2 above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of assessment for any changes.

Miami-Dade County shall determine the minimum service level (property owners may not delete maintenance altogether).

ESTIMATED ANNUAL COSTS

	First Year	Second Year
Initial Annual Maintenance	$13,860	$13,860
Administrative, Processing, Billing and Advertising Costs	8,210	3,090
Contingency/Discount	3,310	850
Total Estimated Cost to District	$25,380	$17,800

The above costs are estimated and will be adjusted annually based on actual experience.

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Planning and Zoning).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The proposed maintenance program is desirable, needed and, in my opinion, provides special benefits to property within the District exceeding the amount of special assessments to be levied upon implementation of the District.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

This District will be held dormant until such time as stated above. Shown below is an estimate of costs if service were to commence in 2009. These costs are included for report purposes only, actual costs to provide services will be determined and presented to the Board of County Commissioners (BCC) at the assessment roll hearing. The combined cost of the maintenance program, processing and administrative expenses as shown in Item 3 above is to be paid for by special assessments levied against all benefited properties and is to be apportioned to individual properties within the District on the basis of lot or parcel square footage. The cost per assessable square foot to be assessed for this service is estimated as follows:

	First Year	Second Year
Estimated Total District Cost	$25,380	$17,800
Estimated Total Assessable Property Square Footage	424,985	424,985
Estimated Cost Per Square Foot of Property	$0.0597	$0.0419
SAMPLE ASSESSMENT		
Per Year For A Typical 4,681 Sq. Ft. Townhouse Lot:	$279.46	$196.13
Per Year For A Typical 5,834 Sq. Ft. Townhouse Lot:	$348.29	$244.44

The annual assessments shown above are representative of costs for typical townhouse units within this District. These costs are based on the above estimated total assessable property square footage and will be adjusted based on costs of services provided at the time of District implementation.

7. RECOMMENDATION

I recommend that this District be created pursuant to Section 18-22.1 of the Code, as 100% of the property owners have signed the petition and no referendum is required. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Palms at Bella Vista Multipurpose Maintenance Special Taxing District. Pursuant to Section 18-22.1 of the Code, the BCC shall receive and hear, at a public hearing, remarks by interested persons on this District, and thereafter may adopt such ordinance. Following failure of any Homeowners Association or CDD to provide these services, the BCC shall adopt the District's assessment roll to fund these services. Adoption of an assessment roll resolution will enable the Miami-Dade County Tax Collector to provide the funding necessary to reimburse affected County Agencies involved in the creation and establishment of this District, as well as operate and maintain this District. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the Board. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Manager forward this report to the BCC after he has reviewed it and concurred with our findings.

Enclosures:
(1) Copy of Petition and Attachments
(2) Copy of Resolution from the City of Homestead
(3) Copy of Memo from Department of Planning and Zoning
(4) District Boundary Map (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: January 5, 2009

To: Kay M. Sullivan, Director
Office of the Clerk of the Board
Attn: Felicia Hurst

From: Donald L. Tock, Jr., Chief
Special Taxing Districts Division

Subject: Palms at Bella Vista Multipurpose
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Property Appraisal Department, and has concluded that said petition relates to real property in a new subdivision and the signator is an owner and/or individual signing in his official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	1
2.	Total number of owners of property within district boundaries	1
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	1
5.	Total number of owners or representatives signing the petition in an official capacity	1
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

Pursuant to Section 18-22.1 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

cc: James Kracht

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing

FROM: James K. Kracht JKK
Assistant County Attorney

DATE: January 9, 2009

SUBJECT: Palms at Bella Vista
Multipurpose
Special Taxing District

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient, provided that the wall which is to be maintained by the taxing district is adjacent to or accessible from the public right of way and that the entrance to be maintained is accessible from the public right of way.

JKK/cg

Date: November 14, 2008

MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Department Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owners, do hereby petition Miami-Dade County, Florida for the creation of a Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: the installation, operation and maintenance of sodium vapor street lights of an intensity of 9,500 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles; landscape, entrance features and other maintenance services shall be more fully described on attached Exhibit "B". The petition for district lies within that portion of the unincorporated area of Miami-Dade County as more fully described on the attached Exhibit "A".

Tentative Plat(s) Name(s): PALMS AT BELLA VISTA (T-)

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the street lights and other improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami- Dade County Public Works Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
TEN ACRES, LLC,	888 KINGMAN ROAD		10-7919-001-0440
a Florida limited liability company,	Homestead, Fl 33035		
		MORE FULLY DESCRIBED ON	
		EXHIBIT "A"	
	Two Witnesses:	ATTACHED HERETO	
	1.)		
By:			
Patrick Gleber, as Manager	Print Name Kim Green		
	2.)		
	Print Name Catherine Lea		

PLACE NOTARY STATEMENT AND STAMP HERE:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgements Patrick Gleber, as Manager of TEN ACRES, LLC, a Florida limited liability company. He is personally known to me or has produced identification in the form of _____, and who executed the foregoing petition and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal at the City of Homestead, County of Miami-Dade and State of Florida, this 14 day of November, 2008.

NOTARY PUBLIC-STATE OF FLORIDA
Kimberly A. Green
[SEAL] Commission #DD387955
Expires: FEB. 25, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Notary Public Signature: _____
State of: Florida
My Commission expires: 2/25/09

EXHIBIT "A"

Exhibit "A" to the petition for the plat known as "**PALMS AT BELLA VISTA**" (T - _____) dated **November 14th**, **2008**, for the creation of a Special Taxing District(s).

LEGAL DESCRIPTION:

Tract 3 in Block 4 lying in Section 19, Township 57 South, Range 39 East "Plat of Lands Belonging to the Miami Land and Development Company," according to the plat thereof, as recorded in Plat Book 5 at Page 10 of the Public Records of Miami-Dade County, Florida less therefrom the North 30 feet as recorded in Deed Book 1683 at Page 308 of the Public Records of Miami-Dade County Florida. The said North 30 feet is the same right of way as delineated on said plat of "Plat of Lands Belonging to the Miami Land and Development Company."

EXHIBIT "B"

EXHIBIT "B" TO THE PETITION FOR THE SUBDIVISION KNOWN AS "PALMS AT BELLA VISTA" (T - _____)
DATED November 14, 2008, FOR THE CREATION OF A SPECIAL TAXING DISTRICT FOR STREET LIGHTING, LANDSCAPE, WALL AND LAKE MAINTENANCE.

AREAS TO BE MAINTAINED:

LANDSCAPE AND ENTRANCE FEATURES WITHIN THE SUBDIVISION WHICH ABUT PUBLIC RIGHT-OF-WAY ALONG SW 336 STREET AND SW 340 STREET.

MAINTENANCE SCHEDULE:

A.) LAWN / GRASS
- 1.) CUT BIMONTHLY AS REQUIRED
- 2.) FERTILIZE AND WEED CONTROL AS NEEDED
- 3.) TREAT FOR PESTS/DISEASES AS NEEDED
- 4.) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME.

B.) TREES/SHRUBS
- 1.) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
- 2.) REPLACE AS REQUIRED

C.) WALL MAINTENANCE
- 1.) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE WALL AND THE REMOVAL OF GRAFFITI AS NEEDED

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY, IT SHALL BE **DORMANT**; AND SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRIC TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

TRACT "A" - PRIVATE ROAD
TRACT "B" - LANDSCAPE TRACT
TRACT "C" - LANDSCAPE TRACT
TRACT "D" - LANDSCAPE TRACT
TRACT "E" - LANDSCAPE TRACT
TRACT "F" - LANDSCAPE TRACT
TRACT "G" - PARK TRACT
TRACT "H" - LANDSCAPE TRACT
TRACT "I" - LANDSCAPE TRACT
TRACT "J" - LANDSCAPE TRACT
TRACT "K" - LANDSCAPE TRACT
TRACT "L" - LANDSCAPE TRACT
TRACT "N" - LANDSCAPE TRACT
TRACT "O" - LANDSCAPE TRACT

RESOLUTION NO. R2005-04-58

A RESOLUTION OF THE CITY OF HOMESTEAD, FLORIDA, AUTHORIZING MIAMI-DADE COUNTY TO CONTINUE THE PROCESS OF CREATING SPECIAL TAXING DISTRICTS WITHIN THE CITY OF HOMESTEAD FOR THE FUNDING OF SPECIAL SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 18-2 of the Code of Miami-Dade County allows for the creation and establishment of special taxing districts within incorporated areas for the purpose of public improvements as set forth in that section; and

WHEREAS, Section 18-2 requires the approval of the City of Homestead (the "City") when the special taxing district falls within the City's boundaries; and

WHEREAS, Section 18-2 provides for the procedure for creating special taxing districts for the purpose of providing street lights, landscape maintenance, and any other applicable improvements in new subdivisions within the City; and

WHEREAS, the City wishes to allow Miami-Dade County to continue creating special taxing districts for street lights, landscape maintenance, and any other applicable improvements in new subdivisions within the City.

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

Section 1. Findings. The proceeding Whereas clauses are ratified and incorporated as the legislative intent of this Resolution.

Section 2. Approval. In accordance with Section 18-2 of the Code of Miami-Dade County, the City hereby approves and authorizes Miami-Dade County to continue establishing special taxing districts for the purpose of providing street lights, landscape

maintenance, and any other applicable improvements in all new subdivisions within the City's boundaries.

Section 3. **Transmittal.** The City Clerk is hereby authorized to transmit a certified copy of this Resolution to Miami-Dade County.

Section 4. **Effective Date.** This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 4th day of April, 2005.

ROSCOE WARREN
Mayor

ATTEST:

PATRICIA SULLIVAN, CMC
Deputy City Clerk

CERTIFIED COPY
Deputy CITY CLERK
CITY OF HOMESTEAD
DATE: 4-6-05

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

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

Offered by Mrs. Bell

Motion to adopt by Mrs. Bell seconded by Mr. Porter

FINAL VOTE AT ADOPTION

Mayor Roscoe Warren	*YES*
Vice Mayor Lynda Bell	*YES*
Councilwoman Amanda Garner	*YES*
Councilman Norman Hodge	*YES*
Councilman Steve Losner	*ABSENT*
Councilman Jeffrey Porter	*YES*
Councilwoman Judy Waldman	*YES*

R2005-04-58 AUTHORIZING MIAMI-DADE - CREATION OF A SPECIAL TAXING DISTRICT

MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

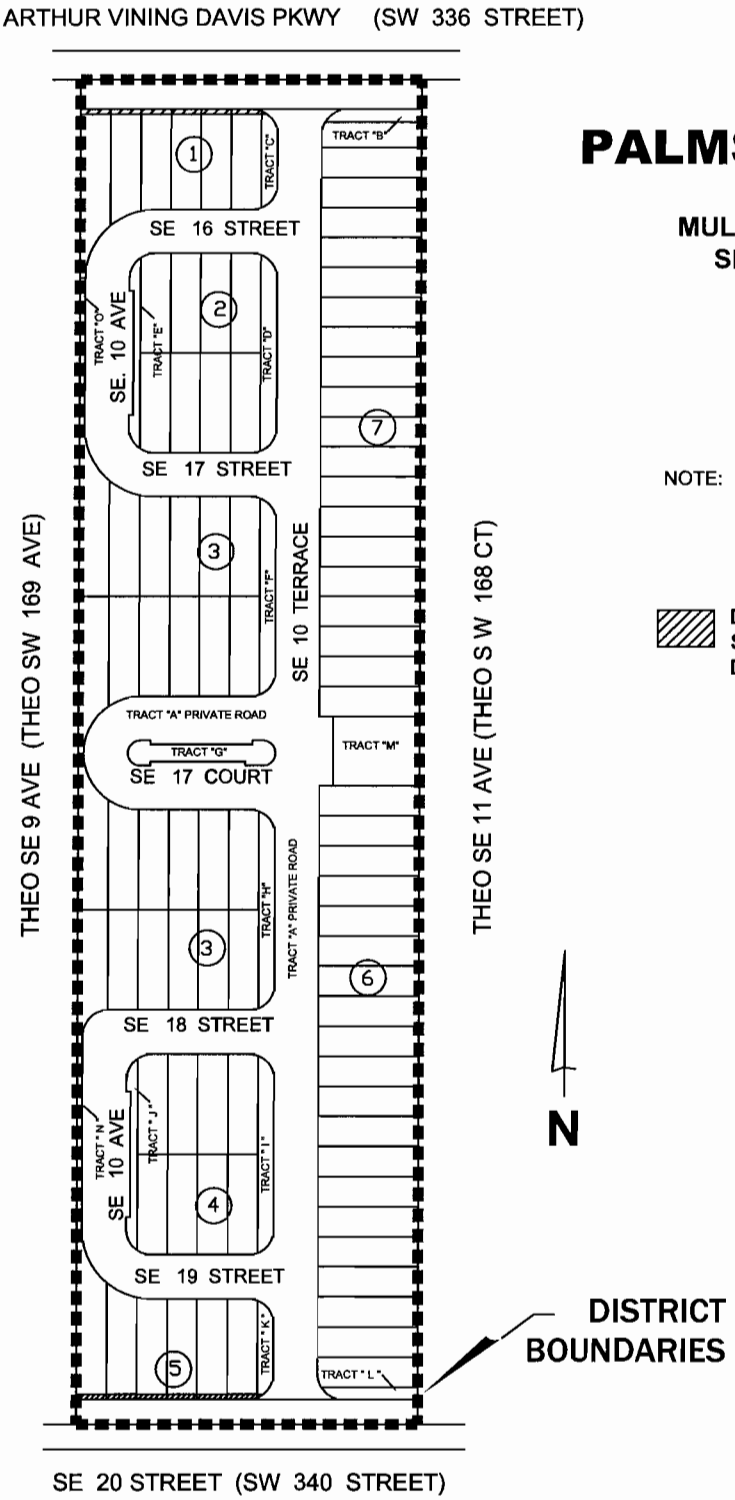
Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS



PALMS AT BELLA VISTA

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

NOTE: **MIAMI-DADE COUNTY STREEET DESIGNATIONS SHOWN IN PARENTHESES**

DENOTES AREAS TO BE MAINTAINED. SEE ATTACHED SHEET FOR SERVICE DESCRIPTIONS AND LOCATIONS

M- (COMM. 0009)
SECTION: 19 - 57 - 39

EXHIBIT "A"

ATTACHMENT TO EXHIBIT "A"

PALMS AT BELLA VISTA MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:

LANDSCAPE AND ENTRANCE FEATURES WHICH ABUT PUBLIC RIGHT-OF-WAY ALONG SW 336TH STREET AND SW 340TH STREET.

MAINTENANCE SCHEDULE:

A) LAWN/GRASS

1) CUT BIMONTHLY AS REQUIRED.
2) FERTILIZE AND WEED CONTROL AS NEEDED.
3) TREAT FOR PESTS/DISEASES AS NEEDED.
4) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME.

B) TREES/SHRUBS

1) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED.
2) REPLACE AS REQUIRED.

C) WALL MAINTENANCE

1) MAINTENANCE AND REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED.

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASSES A PRIVATE DRIVE COMMUNITY, IT SHALL BE **DORMANT**; AND SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOMEOWNERS ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED.

TRACT "A" - PRIVATE ROAD
TRACT "B" - LANDSCAPE TRACT
TRACT "C" - LANDSCAPE TRACT
TRACT "D" - LANDSCAPE TRACT
TRACT "E" - LANDSCAPE TRACT
TRACT "F" - LANDSCAPE TRACT
TRACT "G" – PARK TRACT
TRACT "H" - LANDSCAPE TRACT
TRACT "I" - LANDSCAPE TRACT
TRACT "J" - LANDSCAPE TRACT
TRACT "K" - LANDSCAPE TRACT
TRACT "L" - LANDSCAPE TRACT
TRACT "N" - LANDSCAPE TRACT
TRACT "O" - LANDSCAPE TRACT