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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(G)
(Second Reading 5-1-12)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 20, 2012

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

SUBJECT: Ordinance authorizing and approving a sanitary sewer construction connection charge for buildings and properties within a certain area of Brickell Basin II

Ordinance No.12-36

The accompanying ordinance was prepared by the Water & Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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Memorandum

MIAMI-DADE COUNTY

Date: May 1, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County
Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance approving a sanitary sewer construction connection charge for new construction and renovation of properties within the Brickell Basin Area

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance providing the Miami-Dade Water and Sewer Department (WASD) with the authority to charge a sanitary sewer construction connection charge for the expansion of the sewer facilities in the Brickell Basin II area near Brickell Avenue.

SCOPE

This agenda item provides WASD with the authority to charge sanitary sewer construction connection charges for the expansion of sewer facilities in Commission Districts 5 and 7.

FISCAL IMPACT/FUNDING SOURCE

There is a fiscal impact to the County as total construction costs are estimated at $28,085,008. However, WASD will be reimbursed for 48% of the actual project construction costs through the collection of a sanitary sewer construction connection charge from each property owner who requests new or increased sewer service. The reimbursement is estimated at $13,480,804. The remaining project construction costs which equal 52% will be funded by WASD's Plant Expansion and Renewal and Replacement Funds. There is a fiscal impact to the County's current budget and to future annual budgets until the construction project is completed and WASD is reimbursed the full 48% of the total construction cost by the property owners.

TRACK RECORD/MONITOR

WASD's New Customer Division will be responsible for collection of the special construction connection charges.

BACKGROUND

WASD determined that improvements were required to the sewer facilities serving the area in the Brickell Basin II Area (see Exhibit A) bounded by the Miami River to the north, I-95 to the west, SW 21 Street to the south and Biscayne Bay to the east. The facilities currently serving the area are inadequate to serve increased usage in existing buildings, or new buildings expected to be constructed. This project will provide the sewer system capacity needed to accommodate the large scale developments proposed for this area.

WASD estimates that future sewer service customers in the area will require an average of 3,460,000 gallons per day of capacity which will be provided by the new sewage facilities. WASD will design and construct these new sewer facilities with its own funds and will be reimbursed 48% of the total actual project construction costs estimated to total $28,085,008. The Department will be compensated by collecting from each property owner who requests increased sewer service or new sewer service in the Brickell Basin II Area a sewer construction connection charge at the time WASD's verification form is issued. The verification form is used by WASD to verify that sewer facilities are sufficient and that system capacity exists to serve the applicant's project. The form is issued after WASD confirms the sewer facilities and the system capacity are available. This confirmation takes place prior to the issuance of the building permit or a certificate of use and/or occupancy by the City of Miami. The sewer construction connection charge will be collected until WASD is reimbursed in full for 48% of the actual project construction costs.

The Board adopted four similar ordinances which authorized WASD to collect construction connection charges from new property owners and developers in the neighborhoods listed below:

1. On April 16, 1985, the Board adopted Ordinance No. 85-21 which approved a construction connection charge in the area of S.W. 8 Street and Brickell Avenue.
2. On April 22, 2003, the Board adopted Ordinance 03-95 which approved a water and sewer construction connection charge in the area of Downtown Kendall, and Ordinance 06-128 on September 12, 2006 which amended the dollar amount of the water and sewer construction connection charge for the area of Downtown Kendall.
3. On November 11, 2005, the Board adopted Ordinance No. 05-198 which approved a sewer construction connection charge in the area of Brickell Village.
4. On November 28, 2006 the Board adopted Ordinance No. 06-171 which approved a sewer construction connection charge in the area of West Flagler Street to S.W. 8 Street and S.W. 12 Avenue to S.W. 17 Avenue (West Flagler Basin).

The sewer construction connection charge is determined by dividing the total <u>estimated cost</u> of additional capacity, which is $13,480,804, by the total estimated <u>additional capacity</u> of 3,460,000 gallons per day, resulting in a charge of $3.90 per gallon.

WASD will collect the Brickell Basin II Sanitary Sewer Construction Connection Charge from property owners and developers who will be required to pay said charge prior to the issuance of a verification form. If this item is not approved, any new or existing expansion projects will be at jeopardy as they will not have the capacity to connect to our system.

The description and projected costs for the sanitary sewage improvements are as follows:

Sanitary Sewer Improvements	**Project Cost**
Installation of 30-inch sanitary gravity sewer pipeline along S.W. 10 Street from S.W. 2 Avenue to S.W. 1 Avenue	$ 2,628,232
Discharge 30-inch force main pipeline at Miami Heights Sewage Pump Statio	$ 783,181
Installation of 54-inch and 48-inch sanitary gravity sewer pipeline along S.W. 11 Street from S.W. 3 Avenue an along S.W. 2 Avenue and S.W. 13 Street from S.W. 11 Street to Brickell Avenue	$ 6,066,140
Installation 36-inch gravity sewer pipeline along S.W. 2 Avenue from S.W. 7 Street to S.W. 11th Street	$ 2,612,326
Relocation of the Miami Heights Pump Station No. 8 from 1109 Brickell Avenu to S.W. 11 Street and S.W. 3 Avenue, including abandonment of existing facilities	$15,995,129
	Total $28,085,008

County Manager/Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 1, 2012

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

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

✓ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
5-1-12

ORDINANCE NO. 12-36

ORDINANCE AUTHORIZING AND APPROVING A SANITARY SEWER CONSTRUCTION CONNECTION CHARGE FOR BUILDINGS AND PROPERTIES WITHIN A CERTAIN AREA OF BRICKELL BASIN II; PROVIDING FOR COLLECTION OF SUCH CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT IN THE AMOUNT OF APPROXIMATELY $13,480,804; PROVIDING FOR UNPAID CHARGES TO BE A LIEN ON REAL PROPERTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, existing sanitary sewer facilities serving the area generally bounded by the Miami River to the north, I-95 to the west, S.W. 21st Street to the south and Biscayne Bay to the east as more fully shown on the map attached hereto as Exhibit "A" and made a part hereof are inadequate to serve new buildings anticipated to be constructed within the area, or increased usage of existing buildings; and

WHEREAS, the Miami-Dade County Water and Sewer Department (WASD) has determined that new sanitary sewer facilities capable of providing sufficient capacity for the total anticipated growth of the area will cost approximately $28,085,008; and

WHEREAS, WASD will design and construct the new sanitary sewer facilities with its own funds and will be reimbursed forty-eight (48%) of the total actual project cost in the amount of approximately $13,480,804 by collecting from each property owner who requests new or increased sanitary sewer service in this area, a pro-rata share of the cost in the form of a Brickell Basin II Sanitary Sewer Construction Connection Charge prior to the issuance of a verification form; and

WHEREAS, WASD estimates that future sewer customers in this area will require approximately 3,460,000 average daily gallons of system capacity which will be provided by the new facilities; and

WHEREAS, the Brickell Basin II Sewer Construction Connection Charge shall be determined by dividing the total estimated cost of additional capacity ($13,480,804) in the new sanitary sewer facilities project by the total estimated additional capacity of 3,460,000 gallons per day which equals $3.90 per each average daily gallon,

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

Section 1. The recitals made above, and the same are incorporated herein by reference.

Section 2. The Board hereby approves the imposition of the Brickell Basin II Sanitary Sewer Construction Connection Charge of $3.90 per each average daily gallon of flow within the property at the time new or increased sewer service is requested for buildings and properties which will utilize the capacity in the new sanitary sewer facilities to be constructed by WASD. This Brickell Basin II Sanitary Sewer Construction Connection Charge will be assessed for all properties in the area bounded by the Miami River to the north, I-95 to the west, S.W. 21st Street to the south and Biscayne Bay to the east as more fully shown in Exhibit "A" receiving new or increased service after the effective date of this Ordinance.

Section 3. WASD is hereby authorized and empowered to charge and collect the Brickell Basin II Sanitary Sewer Construction Charge from property owners and developers who receive new or increased sewer service from the new facilities after the effective date herein and to require payment of said charge as a condition of sewer service. Payment of said charges shall be made prior to the issuance of a verification form.

Section 4. Properties and buildings in this area which are receiving sewer service on the effective date herein shall not be subject to payment of the Brickell Basin II Sewer

Construction Connection Charge; however the charge shall be imposed for any additional sewer capacity furnished after said date.

Section 5. The authority to charge and collect the Brickell Basin II Sewer Construction Connection Charge shall terminate when WASD has been reimbursed in full for 48% of actual project construction costs of the new facilities, including engineering costs.

Section 6. The Brickell Basin II Sanitary Sewer Construction Connection Charge shall be required in addition to other charges, including but not limited to WASD's standard water and sewer connection charges.

Section 7. All Brickell Basin II Sanitary Sewer Construction Connection Charges which remain unpaid sixty (60) days after the past due date shall become a lien against and upon the real property connecting to the sewer system, to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said Brickell Basin II Special Sanitary Sewer Construction Connection Charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved for the period of twenty (20) years from the date said charges become a lien as set forth in this section. Said liens may be enforced and satisfied by the County, on behalf of WASD, pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the County and WASD, including but not limited to suspension and termination of water service. All such liens may be discharged and satisfied in accordance with the provisions of Section 32-94 (b) of the Code of Miami-Dade County, as may be amended from time to time.

Section 8. If any sections, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. This Ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 10. This Ordinance shall be excluded from the Code of Miami-Dade County.

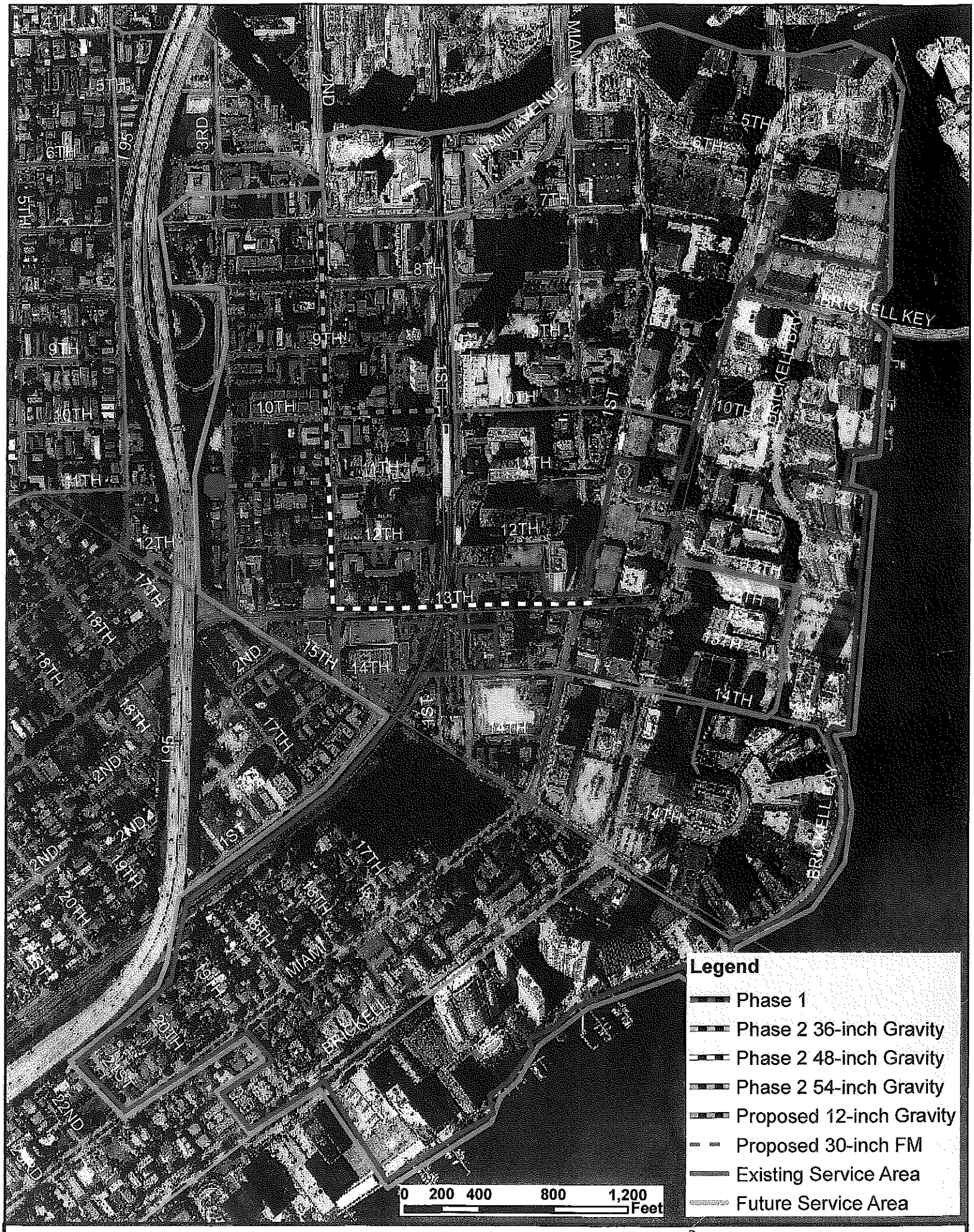
PASSED AND ADOPTED: May 1, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Henry N. Gillman

EXHIBIT A



Miami Heights Pump Station Project and Service Area