

# Memorandum



**Date:** (Public Hearing 2-19-20)  
October 29, 2019

Agenda Item No. 5(F)

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ordinance Creating the Bella Marie Estates Street Lighting Special Taxing District

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve a petition submitted in accordance with Article 1, Chapter 18, of the Code of Miami-Dade County (Code) for the creation of the Bella Marie Estates Street Lighting Special Taxing District (Special Taxing District). The creation of this Special Taxing District is a subdivision requirement pursuant to Chapter 28 of the Code.

## Scope

This proposed Special Taxing District lies within Commission District 8, which is represented by County Commissioner Daniella Levine Cava, and will provide street lighting services.

## Fiscal Impact/Funding Source

Creation of this Special Taxing District will result in no economic impact to the Miami-Dade County (County) budget, and there will be no increase or decrease in County staffing. The developer, pursuant to Chapter 18 of the Code, is required to fund the Special Taxing District's first year's lease of the equipment and electricity costs to operate the street lighting system and all incidental costs incurred by the County for the creation and administration of the Special Taxing District.

After the first year, there will be a perpetual annual special assessment for the cost of street lighting to all property owners within the Special Taxing District. Homestead Energy Services (HES) is the owner of the system and will derive revenues from the creation of the Special Taxing District. HES's contractors and subcontractors may increase their staffing levels to provide the service requirements created by this Special Taxing District.

## Social Equity Statement

The proposed Ordinance creates the Special Taxing District, pursuant to Article I, Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code. If approved, property owners within the proposed Special Taxing District will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's service, regardless of their demographics, and that the total estimated amount of the special assessment to be levied would not be in excess of such special benefit. The creation of this Special Taxing District, which was requested by 100% of the property owners, will provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on connecting roadways, allow for higher intensity spotlighting at specific locations, and accommodate future County lighting standards.

Pursuant to Section 18-20.2 of the Code regarding notice to purchasers of new residential property, it shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special taxing district created pursuant to this Chapter of the Code or of a pending petition to create such a special taxing district. The notice shall be provided in the manner set forth in Section 18-20.2 of the Code.

**Track Record/Monitor**

The Special Taxing District will be managed by the Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division (Division), Lorena Guerra-Macias.

**Background**

In accordance with the provisions of Chapter 18 of the Code of the Code, a petition to create the Special Taxing District, duly signed by 100% of the owners of property within the proposed Special Taxing District, was filed with the Clerk of the Board. A copy of the petition was sent to the County Mayor and the County Attorney to examine and to file 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. PROS compiled and filed with the Clerk a memorandum and accompanying written report and recommendations (Report), a copy of which is attached to this memorandum. The Report sets forth the boundaries of the Special Taxing District, an estimate of the cost of the improvements and/or services to be provided, the need for and desirability of the Special Taxing District, the ability of the affected properties to bear the special assessments, certifies that the improvements and/or services to be provided conform to the master plan of Miami-Dade County, and recommends that the Special Taxing District be created to provide a special benefit to all property within the proposed Special Taxing District.

Contingent upon Board approval of the creation of this Special Taxing District, the street lighting services will be accomplished pursuant to an agreement between the County and HES. The facilities provided will remain the property of HES. HES will be responsible for the maintenance, repairs, upgrades, and replacement of the light fixtures, lamps, poles, and all connecting service lines. The Division will administer HES's agreement, installation, and billing process.

- |  |  |
|--|--|
| <b>Boundaries:</b>   | On the North, theo. SW 290 Lane;<br>On the East, SW 165 Avenue;<br>On the South, SW 292 Street;<br>On the West, SW 167 Avenue. |
| <b>Number of Parcels:</b>  | 1 (Tentative plat proposes 21 single-family lots)  |
| <b>Number of Owners:</b>   | 1  |
| <b>Number of Owners With Homestead Exemption Signing Petition:</b> | None – The petition was submitted by Vanfu Holdings, LLC., the sole property owner and developer.                              |

**Type of Improvements:**

It is expected that the Special Taxing District will install, operate and maintain ten (10) – 16,000 lumen sodium vapor (LSV) bracket-arm streetlights mounted on concrete poles. At the discretion of the PROS Director, PROS reserves the right to adjust the quantity, style, and luminosity of the street lighting installations, for reasons including, but not limited to, changes in field conditions, to address safety concerns, to provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on connecting roadways, to allow higher intensity spotlighting at specific locations, and to accommodate future County lighting standards.

**Public Hearing Notification:**

The Clerk will certify the place, date, and hour for a public hearing on the petition and the Report at which all interested persons will be afforded the opportunity to present for this Board's consideration their objections, if any, to the creation and establishment of the Special Taxing District. As pursuant to Section 18-3(d), a public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the proposed Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.

**Preliminary Public Meeting:**

None necessary.

**Required Referendum:**

The creation of the Special Taxing District will be subject only to the Board's approval; no election will be necessary as 100% of the property owners signed the petition.

**Preliminary Assessment Roll:**

Submitted on the same agenda as a separate agenda item for consideration and adoption by the Board and contingent upon the approval of this Special Taxing District's creating Ordinance. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

**Estimated Completion:**

Summer 2020

**Estimated Initial Billing:** November 2021. Assessment billed annually as an itemized portion of the Real Property tax bill.

	<u>First Year</u>	<u>Second Year</u>
<b>Estimated Total District Costs:</b>	\$12,454.41	\$4,548.43

**Method of Apportionment:** Front Footage

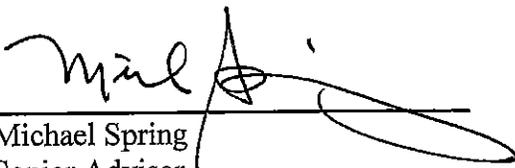
	<u>First Year</u>	<u>Second Year</u>
<b>Estimated Annual District Assessments:</b>		
Per Assessable Front Foot:	Costs to be	\$2.0864
For a Typical Interior Lot:	provided by	\$204.47
For a Typical Corner Lot:	Petitioner	\$269.15

The above annual costs and assessment information are based on the expected lighting services to be provided by the Special Taxing District, and are subject to change in the event that the Special Taxing District's services are adjusted by the PROS Director as provided herein.

State or federal grants are not applicable to this Special Taxing District.

Each Street Lighting Special Taxing District is unique due to its geographical boundaries, affected property owners, and level of service to be provided. Creation of a new Special Taxing District to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Chapter 28 of the Code to provide street lighting in new subdivisions through the creation of Street Lighting Special Taxing Districts, and in compliance with the provisions of Section 18-3(c) of the Code, I have reviewed the facts submitted by PROS in its Report and Recommendations, a copy of which is attached and incorporated herein. I concur with their recommendation that this Special Taxing District be created pursuant to Section 18-2 of the Code. Also, I recommend the provisions of Resolution No. R-130-06 be waived because adoption of this Ordinance is a precursor to the future execution of said agreement, which will not occur until development within the Special Taxing District occurs.

  
\_\_\_\_\_  
Michael Spring  
Senior Advisor

**REPORT AND RECOMMENDATIONS  
ON THE CREATION OF BELLA MARIE ESTATES  
STREET LIGHTING SPECIAL TAXING DISTRICT  
MIAMI-DADE COUNTY, FLORIDA**

Pursuant to Chapter 18 of the Code of Miami-Dade County (Code), and as a result of a detailed investigation of a duly petitioned for Special Taxing District, the following facts are submitted by the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) Director concerning the creation of Bella Marie Estates Street Lighting Special Taxing District (Special Taxing District).

**1. BOUNDARIES OF THIS DISTRICT**

The proposed Special Taxing District is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

A portion of Section 5, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

The SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 5, less the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  in said Section 5, less the West 40.00 feet, the South 25.00 feet, and the East 25.00 feet for road right-of-way purposes, lying and being in in Miami-Dade County, Florida (a.k.a. Bella Marie Estates, Tentative Plat #T-24268).

The Special Taxing District's boundaries and geographical location are shown on the attached sketch entitled Bella Marie Estates Street Lighting Special Taxing District and hereinafter referred to as Exhibit A.

**2. LOCATION OF THE INSTALLATIONS TO BE CONSTRUCTED**

Services to be provided under the Special Taxing District will consist of public street lighting located within public rights-of-way.

**3. ESTIMATED COSTS AND ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT**

The cost of the streetlights in this Special Taxing District will be continual and is based on a preliminary estimate using City of Homestead Roadway Lighting Rate Schedule prepared by Homestead Energy Services (HES) and approved by the Florida Public Service Commission, copies of which are attached. HES will install the lights, poles, and service lines at its expense and the facilities will remain the property of HES. HES will be responsible for the maintenance, repairs, upgrades, and replacement of the light standards, fixtures, lamps, and all connecting service lines. However, the developers, through the Special Taxing District, may be required to pay a differential cost if rapid construction techniques cannot be used on this Special Taxing District and this cost is shown in the Special Taxing District's cost estimate below.

<u>Estimated Annual Costs</u>	<u>First Year</u>	<u>Second Year</u>
10 – 16,000 Lumen Sodium Vapor Luminaires	\$1,194.00	\$1,194.00
10 – Concrete Poles	\$866.40	\$866.40
1,800 Ft. – Underground Wiring	\$995.09	\$995.09
Annual Fuel Adjustments (Based on (6,840 KWH at \$0.07443 per KWH)	\$509.10	\$509.10
Franchise Cost (Based on 9.2970% of \$3,564.59)	<u>\$331.40</u>	<u>\$331.40</u>
Total Street Lighting Service Costs	\$3,895.99	\$3,895.99
Engineering & Administrative Costs	\$2,726.88	\$126.88
Billing, Collecting, & Processing Costs	\$1,207.05	\$150.00
HES Restoration Costs	\$3,000.00	\$0.00
Contingencies	<u>\$1,624.49</u>	<u>\$375.56</u>
Total Costs Covered by Petitioner	\$12,454.41	
Total Costs to District		\$4,548.43
<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	Costs to be	\$2.0864
For a Typical Interior Lot:	Provided by	\$204.47
For a Typical Corner Lot:	Petitioner	\$269.15

The above annual costs and assessment information are based on the expected lighting services to be provided by the Special Taxing District, and are subject to change in the event the Special Taxing District's services are adjusted by the Department Director. Total costs and assessments will be adjusted, if necessary, to meet actual costs.

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

The proposed Special Taxing District conforms to and in no way conflicts with the master plan of development for Miami-Dade County (County) (see attached memorandum from the Department of Regulatory and Economic Resources (RER)).

**5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT**

The need for street lighting in the County is apparent. Residents and property owners of the County continue to demonstrate their desire for street lighting through numerous petitions and personal requests. The ability of the affected properties to pay special assessments is evident since the costs of

the Special Taxing District's services, including any bonds then outstanding, do not exceed 25% of the assessed valuation of all properties within the Special Taxing District's boundaries (including homesteads) as shown by the last preceding assessment roll of the County. In my opinion, the streetlights installed pursuant to the creation of this Special Taxing District will provide special benefits to properties within the Special Taxing District's boundaries exceeding the amount of special assessments to be levied.

**6. PROCEDURE**

As provided for under Chapter 18 of the Code, the property owners, the developers, within the proposed Special Taxing District shall guarantee payment of all costs and expenses incidental to the creation of such Special Taxing District and shall pay the entire cost of providing street lighting within the Special Taxing District for the first year. Based on front footage, each property owner within the proposed Special Taxing District will pay the County, through a special assessment, a proportionate share of the total annual costs for the second year and each year thereafter.

In the event actual second year costs are lower than the costs estimated herein, the Director of PROS shall adjust and decrease the front foot rate of assessment. In the event actual second year costs are higher than estimated herein, the front foot rate of the assessment shall not be increased prior to the Board of County Commissioners (Board) adopting a revised assessment roll.

Following the creation of the Special Taxing District by the Board, the petitioner's plat shall not be placed on a Commission agenda for approval prior to receipt of the payment from the developers for the first year costs as specified in Item 3 above. Upon adoption of the petitioner's plat by the Board, the County may then enter into an agreement with HES, in substantially the form attached herein, wherein the County will pay to HES any costs associated with the streetlight installation and ongoing costs of service.

**7. RECOMMENDATION**

It is recommended that Bella Marie Estates Street Lighting Special Taxing District be created pursuant to Section 18-2 of the Code, which provides for the creation of special taxing districts for street lighting in new subdivisions. The creation of this Special Taxing District will be subject to Board approval only; no election will be necessary as 100% of the property owners signed the petition. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Bella Marie Estates Street Lighting Special Taxing District. Pursuant to Chapter 18 of the Code, the Board shall receive and hear, at a public hearing, remarks by interested persons on this Special Taxing District, and thereafter may adopt such ordinance. Following adoption of the creating ordinance, it is further recommended that the Board adopt the Special Taxing District's Preliminary Assessment Roll resolution to fund the Special Taxing District's services. Adoption of this resolution will enable the Miami-Dade County Tax Collector to collect the funds necessary to administer the Special Taxing District, reimburse affected County Departments involved in the creation and establishment of the Special Taxing District, as well as provide funds for payment of the Special Taxing District's monthly power bills for the second year and each year thereafter. The ordinance creating the Special Taxing District shall take effect 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 Special Taxing District. We further recommend that the County Mayor or County Mayor's designee forward the attached report to the Board after review and concurrence

Bella Marie Estates  
Street Lighting Special Taxing District  
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with our findings.

- Attachments:
- (1) Copy of Petition and Attachments
  - (2) Copy of HES Roadway Lighting Rate Schedule
  - (3) Copy of HES Street Lighting Agreement Form
  - (4) Copy of Memo from Department of Regulatory and Economic Resources
  - (5) District Boundaries and Geographical Location Sketch (Exhibit A)

**MIAMI-DADE COUNTY ATTORNEY'S OFFICE**  
**MEMORANDUM**

TO: Lorena Guerra-Macias  
Chief, Special Taxing Districts

FROM: Ryan Carlin *RC*  
Assistant County Attorney

DATE: September 19, 2019

SUBJECT: Bella Marie Estates Street Lighting Special Taxing District

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Please be advised that I have reviewed the above-referenced petition and find it to be legally sufficient for street lighting purposes only.

# Memorandum



**Date:** September 19, 2019

**To:** Linda Cave, Deputy Clerk  
Office of the Clerk of the Board  
Attn: Shania Momplaisir

**From:** Lorena Guerra-Macias, Chief *LG*  
Special Assessment Districts Division  
Parks, Recreation and Open Spaces Department

**Subject:** Bella Marie Estates Street Lighting Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-2 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Office of the Property Appraiser, 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                                     | <u>1</u>    |
| 2. | Total number of owners of property within district boundaries                                  | <u>1</u>    |
| 3. | Total number of resident owners within district boundaries<br>(this is a new subdivision area) | <u>0</u>    |
| 4. | Total number of signatures on the petition   | <u>1</u>    |
| 5. | Total number of owners or representatives signing the petition<br>in an official capacity      | <u>1</u>    |
| 6. | Percentage of owners or representatives signing the petition<br>in their official capacity     | <u>100%</u> |

Pursuant to Section 18-2 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

c: Ryan Carlin

**MIAMI-DADE COUNTY  
PARKS, RECREATION AND OPEN SPACES DEPARTMENT  
SPECIAL TAXING DISTRICTS DIVISION**

05/14/2019  
Document Preparation  
Date

Departmental Acceptance Date  
(Government Use Only)

**PETITION FOR STREET LIGHTING SPECIAL TAXING DISTRICT**

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

We, the undersigned property owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the 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: installation, operation and maintenance of sodium vapor street lights of an intensity of 16,000 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles. The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) BELLA MARIE ESTATES

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 to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Parks, Recreation and Open Spaces Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
VANFU HOLDINGS LLC	42 SE 4th ROAD HOMESTEAD, FL 33030	SEE ATTACHED EXHIBIT A	30-7905-000-0350
		MORE FULLY	
YANSER ROBAINA		DESCRIBED ON	
x		THE ATTACHED	
Title: <u>Manager</u>		"EXHIBIT A"	

PLACE NOTARY STATEMENT AND STAMP HERE:



PLACE NOTARY STATEMENT AND STAMP HERE:

(STATE OF FLORIDA)  
SS. COUNTY OF MIAMI-DADE

THE FOREGOING INSTRUMENT was acknowledged before me this 14 day MAY, 2019, by YANSER ROBAINA,  
of MIAMI-DADE, a Florida RESIDENT, who is ( ) personally known to me and not take an oath, or (  ) produce  
identification in the form of LICENSE.

Notary Public, State of Florida My Commission expires \_\_\_\_\_

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DEPARTMENTAL ACCEPTANCE DATE  
(GOVERNMENT USE ONLY)

## EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S)

KNOWN AS BELLA MARIE ESTATES

DATED 05/14/2019 FOR THE CREATION OF  
SPECIAL TAXING DISTRICT(S).

THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 57 SOUTH, RANGE 39 EAST, LESS THE NORTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 IN SECTION 5, TOWNSHIP 57 SOUTH, RANGE 39 EAST, LESS THE WEST 40 FEET, THE SOUTH 25 FEET AND THE EAST 25 FEET FOR ROAD RIGHT OF WAY PURPOSES, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

*High Pressure Sodium Vapor*  
*(Fixture type: Open bottom, cobra head, directional)*

<i>Fixture Type</i>	<i>Lamp Initial Lumens</i>	<i>Lamp Watts</i>	<i>KWH/Mo Estimate</i>	<i>Monthly Rental Rate*</i>
Open bottom	9,500	100	95	\$ 7.80
Open bottom	16,000	150	57	9.52
Cobra head	16,000	150	57	9.95
Cobra head	27,500	250	121	13.15
Cobra head	50,000	400	182	17.98
Directional	16,000	150	57	10.76
Directional	27,500	250	121	13.66
Directional	50,000	400	182	18.21

\*plus power cost adjustment.

*High Pressure Sodium Vapor*  
*(Decorative lighting--Underground distribution only)*

<i>Fixture Type</i>	<i>Lamp Initial Lumens</i>	<i>Lamp Watts</i>	<i>KWH/Mo Estimate</i>	<i>Monthly Rental Rate*</i>
Traditional	9,500	100	95	\$ 7.86
Traditional	16,000	150	57	9.95
Contemporary	9,500	100	95	8.99
Contemporary	16,000	150	57	9.95
Contemporary	27,500	250	121	14.32
Acorn	9,500	100	95	11.13
Acorn	16,000	150	57	11.88

\*plus power cost adjustment.

When a pole is required and electric service is overhead, the monthly charge for each pole shall be:

Wood pole	\$6.25
Concrete pole	7.09

Where the distribution system is underground, the monthly charge for rental of the pole required to mount the light fixture shall be:

Concrete pole	\$ 7.22
20' fiberglass pole	6.61
12' fiberglass pole	13.55

(c) Upon termination of utility service(s) the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned. Should the customer request the utility hold the deposit for up to one (1) year for the customer's future service account, interest will not accrue during the suspension period.

(d) Any residential customer shall have their deposit refunded as of December 31 of the second anniversary date year after the initiation of service for such customer, provided such customer has no termination for non-payment of a utility bill, or have any convictions of tampering violations, or have five (5) or more late periods in a two-year period. Any such termination of service for the reasons as set forth above, shall, upon reinstatement of service, subject the customer to subsections (a), (b) and (c), as set forth above. Deposits provided by commercial or industrial customers shall be held by the city until final settlement of the consumer's accounts, and upon final settlement any unused balance of the deposit will be refunded.

(e) All interest computations made pursuant to this section shall be computed by using the annual average of the previous year of the largest South Florida institutions market account rates which is published weekly in the Miami Herald's business Monday section for purposes of computing the interest credit on utility deposits. Said interest on utility deposit shall be computed on the annual average and shall be credited as of December 31 of each calendar year.

(f) *Emergency service.* Electric meter turn-ons will be made from 8:00 a.m. to 6:00 p.m. Monday through Saturday. No electric turn-ons will be made after 6:00 p.m. Monday through Friday or all day Saturday and Sunday, except in an emergency situation. Emergency is defined as that set of factual circumstances which substantially affects the health of the customer and/or his family members. Application for emergency service must be made to the director of utilities or such supervisor as he may delegate

in writing for this purpose. Deposits for emergency service must be made at the customer service office the first working day following the emergency connection.

(g) *High risk service.* Any customer whose electrical service shall be reconnected after disconnection for nonpayment shall provide the city with a high risk electrical service deposit equal to two (2) times the service deposit to the service address in question during the twelve-month period immediately preceding the disconnection of the service prior to the reconnection of service.

(h) Further, commercial and industrial customers may elect to provide the required deposit by a letter of credit or surety bond in lieu of a cash deposit. The letter of credit or surety bond shall be subject to approval as to form and legal sufficiency by the city attorney. If a letter of credit or surety bond is utilized in lieu of a cash deposit, the customer shall not be entitled to receive any interest on the deposit pursuant to this section.

(Ord. No. 88-02-12; § VIII, 2-15-88; Ord. No. 88-05-37, § 1, 6-6-88; Ord. No. 94-06-41, § 1, 6-20-94; Ord. No. 96-11-76, §§ 1, 2, 12-2-96; Ord. No. 00-07-26, § 2, 8-7-00; Ord. No. 2004-02-06, § 1, 2-17-04; Ord. No. 2013-03-10, § 3, 3-20-13; Ord. No. 2016-01-09, § 4, 1-20-16)

#### Sec. 28-256. Street lighting and rental outdoor lighting rates.

The following rates shall be charged for roadway and public property lighting, rental outdoor lighting for fixtures installed on existing city-owned poles and for customer owned street lighting. The rates set forth below may be adjusted periodically to reflect changes in maintenance, equipment and average energy cost to the city. There shall be no prorating of rental outdoor lighting charges.

- (1) *Rental charge--Roadway and public property lighting:*

Charges for customer owned street lighting metal halide and high pressure sodium vapor:

Fixture Type	Lamp Watts	KWH/Mo Estimate	Monthly Energy Only	Monthly Energy and Maintenance
Sodium Vapor	150	57	\$4.11	\$7.16
Sodium Vapor	250	121	11.77	14.83
Sodium Vapor	400	182	16.17	19.23
Metal Halide	175	67	4.83	11.10
Metal Halide	250	121	8.71	14.98
Metal Halide	400	182	13.11	19.38

**GOVERNMENTAL ROADWAY LIGHTING AGREEMENT**

Billing Account Number: \_\_\_\_\_

IN THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20-\_\_\_\_, by and between \_\_\_\_\_

(name and description of customer project)

it's successors and assigns (hereinafter referred to as "Customer") and the City of Homestead, Florida, a municipal corporation organized and existing under laws of the State of Florida (hereinafter referred to as "City"), in accordance with the following terms and conditions, the Customer requests from the City the following installation, removal or modification of roadway lighting facilities along \_\_\_\_\_

(General description of boundaries)

located in \_\_\_\_\_, Florida.  
(City / County)

**Installation / Removal of City owned facilities described as follows:**

Install Quantity	Fixture Rating (Lumens)	Lamp Type (HPSV, etc.)	Remove Quantity	Fixture Rating (Lumens)	Lamp Type (HPSV, etc.)

Quantity I=Installed R=Removed	Pole Type (Wood, etc.)	Underground Conductors	
		Feet Under Paving	Feet Not Under Paving

Modification to existing facilities other than described above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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NOW THEREFORE, in consideration of the mutual covenants, terms and conditions herein set forth, the parties hereto covenant and agree as follows:

**CITY AGREES TO:**

1. Install or modify the roadway lighting facilities described and identified above (hereinafter called the Roadway Lighting System).
2. Furnish to the Customer the electric energy necessary for the operation of the Roadway Lighting System, and furnish such other services specified in this Agreement, all in accordance with the terms of the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

**CUSTOMER AGREES TO:**

3. Purchase from the City all electric energy consumed for the operation of the Roadway Lighting System.
4. Be responsible for the payment, when due, of all bills issued by the City pursuant to the City's currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority, for the electric energy, facilities and service furnished by the City in accordance with this Agreement.
5. Provide access, final grading and when requested, good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all underground facilities within or near pole or trench locations, and appropriate plats necessary for planning and completing the construction of City facilities associated with the Roadway Lighting System.
6. Perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by the City to accommodate the roadway lighting facilities.
7. Pay a contribution in the amount of \$ \_\_\_\_\_ prior to the commencement of the requested installation or modification.

**IT IS MUTUALLY AGREED THAT:**

8. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial ten (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. Such written notice shall be by certified mail and shall be given not less than ninety (90) days before the date of expiration of the initial ten(10) year term, or any extension thereof.

9. Modifications to the facilities provided by the City under this Agreement, other than for maintenance, may only be made through the execution of an additional Roadway Lighting Agreement delineating the modifications to be accomplished. Modification of City roadway lighting facilities is defined as the addition of roadway lighting facilities; the removal of roadway lighting facilities and the replacement of such facilities and/or additional facilities.

Modifications will be subject to the costs identified in the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

10. At the request of the Customer, the City will relocate the roadway lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such requested relocation of City roadway lighting facilities. Payment shall be made by the Customer in advance of any relocation.
11. The City may, at anytime, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.
12. In the event roadway lighting facilities covered by this Agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for the payments to the City of an amount equal to the original installed cost of the facilities provided by the City under this Agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the City Finance Director) plus removal cost.
13. Should the Customer fail to pay any bills rendered and due pursuant to this Agreement or otherwise fail to perform the obligations contained in this Agreement, such obligations being material and going to the essence of this Agreement, the City, at any time thereafter, may cease to supply electric energy or service until the Customer has paid the bills due or has fully cured such other breach of this Agreement. Any failure of the City to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by the City, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.
14. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy or by causes not under the control of the party thus prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of the City, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.
15. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the parties.
16. Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver, or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect, nor shall either party be stopped to enforce or to seek relief from prior breach.

17. This Agreement constitutes the entire Agreement between the parties with respect to the facilities referenced herein and supersedes all prior Agreements or representations, either oral, written or otherwise between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by the City to any third parties.

18. This Agreement is subject to the General Rules and Regulations for Electric Service and the Ordinances of the City of Homestead, as they are now written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the General Rules and Regulations for Electric Services and the Ordinances of the City of Homestead, the provisions of the General Rules and Regulations shall control, as they are now written, or as they may be hereafter revised, amended or supplemented. If any term or provision of the Agreement shall be held invalid or unenforceable, the remaining terms and provisions of the Agreement shall remain in full force and effect and such invalid, illegal or unenforceable term or provision shall be deemed not to be a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective on the day and year first written above.

Charges and Terms Accepted:

City of Homestead

\_\_\_\_\_  
Customer (Print or type name of Organization)

By: \_\_\_\_\_  
Signature (Authorized Representative)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or type name)

\_\_\_\_\_  
(Print or type name)

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

# Memorandum



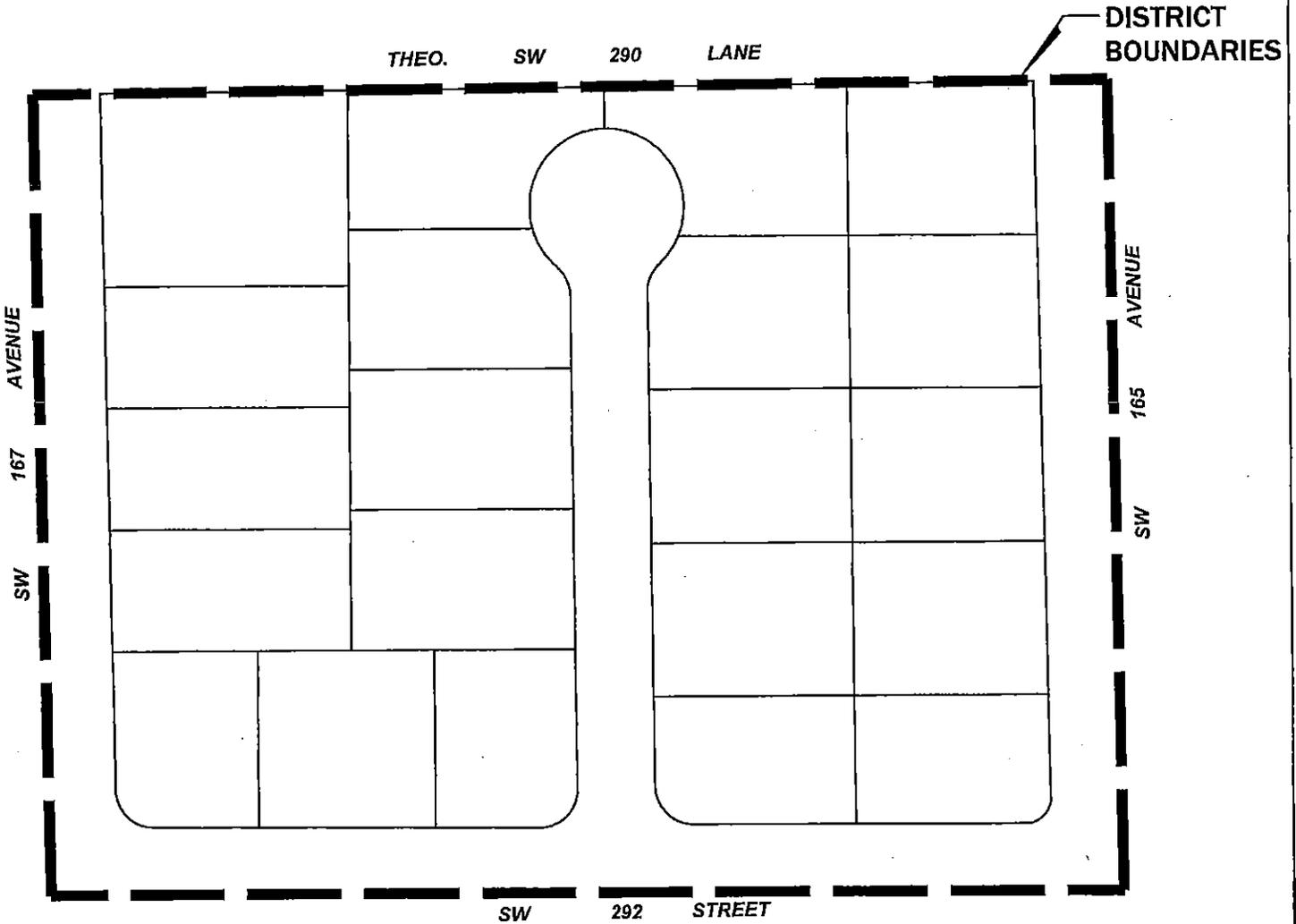
**Date:** February 12, 2019  
**To:** Maria Nardi, Director  
Department of Parks, Recreation and Open Spaces  
**From:** Jack Osterholt, Deputy Mayor/Director  
Department of Regulatory and Economic Resources  
**Subject:** Street lighting, Maintenance of Landscape, Walls Adjacent to Double Frontage Lots, Entrance Features and Lakes – Special Taxing Districts

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All tentative plats in the unincorporated area of Miami-Dade County submitted to the Development Services Division (Land Development Section) of the Regulatory and Economic Resources Department (RER), must comply with the special taxing districts requirements of the Miami-Dade County Code (the Code) 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, through September 30, 2020, as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2020-2030 Comprehensive Development Master Plan (CDMP). Capital Improvement Element Policy CIE-4A states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special taxing districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible (Adopted Components as Amended through September 2018, page IX-9). 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.

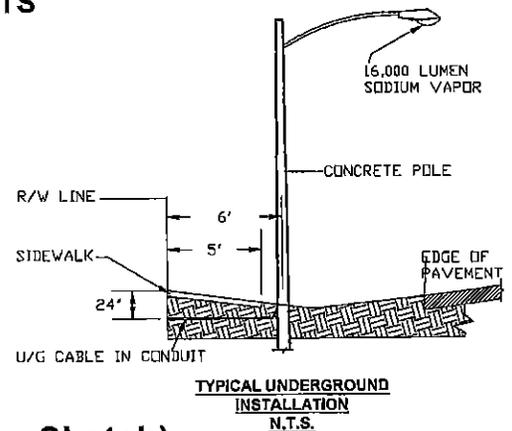
The RER has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the RER Development Services Division review all landscape maintenance districts and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

JO:LG:NK:JB:GR:VS



## BELLA MARIE ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT

10 - 16,000 LUMEN SODIUM VAPOR BRACKET-ARM STREETLIGHTS  
MOUNTED ON CONCRETE POLES.



TYPICAL UNDERGROUND  
INSTALLATION  
N.T.S.

EXHIBIT "A"  
(Boundaries & Geographical Location Sketch)



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** February 19, 2020

**FROM:** Arigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(F)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

*AP*

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(F)

2-19-20

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY THEORETICAL SW 290 LANE, ON THE EAST BY SW 165 AVENUE, ON THE SOUTH BY SW 292 STREET, AND ON THE WEST BY SW 167 AVENUE, KNOWN AND DESCRIBED AS BELLA MARIE ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE MAYOR OR DESIGNEE TO PROVIDE FOR THE INSTALLATION OF STREETLIGHTS; APPROVING A STREET LIGHTING AGREEMENT WITH HOMESTEAD ENERGY SERVICES AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the public hearing was held during the meeting of this Board on Wednesday, \_\_\_\_\_, beginning at 9:30 a.m. in the Commission Chambers, Stephen P. Clark Center, 111 NW 1<sup>st</sup> Street, Miami, Florida,

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

**Section 1.** In accordance with the provisions of Chapter 18 of the Code, a special taxing district, to be known and designated as the Bella Marie Estates Street Lighting Special Taxing District in Miami-Dade County, Florida, is hereby created and established in the unincorporated area of Miami-Dade County.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(F)  
2-19-20

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY THEORETICAL SW 290 LANE, ON THE EAST BY SW 165 AVENUE, ON THE SOUTH BY SW 292 STREET, AND ON THE WEST BY SW 167 AVENUE, KNOWN AND DESCRIBED AS BELLA MARIE ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE MAYOR OR DESIGNEE TO PROVIDE FOR THE INSTALLATION OF STREETLIGHTS; APPROVING A STREET LIGHTING AGREEMENT WITH HOMESTEAD ENERGY SERVICES AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

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**Section 2.** The area or boundaries of this Special Taxing District, generally bounded on the North by theoretical SW 290 Lane, on the East by SW 165 Avenue, on the South by SW 292 Street, and on the West by SW 167 Avenue, and located entirely within District 8, are as follows:

A portion of Section 5, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

The SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 5, less the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  in said Section 5, less the West 40.00 feet, the South 25.00 feet, and the East 25.00 feet for road right-of-way purposes, lying and being in in Miami-Dade County, Florida (a.k.a. Bella Marie Estates, Tentative Plat #T-24268).

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, labeled Exhibit "A" to the Report and made a part herein by reference.

**Section 3.** The improvements and/or services to be provided in this Special Taxing District will consist of street lighting services within public rights-of-way, as described in the Report.

**Section 4.** The installation of such street lighting will be accomplished pursuant to an agreement between Miami-Dade County and Homestead Energy Services. The expected costs of the installation and operation of the Special Taxing District's services, including maintenance, electricity, engineering, administration, billing, collection and processing, for the first year are provided by petitioners and estimated to be \$12,454.41. The expected costs of the Special Taxing District's services for the second year are estimated to be \$4,548.43. The expected estimated cost per assessable front foot of real property within the Special Taxing District for the second year is \$2.0864. The succeeding years' assessments will be adjusted based on actual costs.

**Section 5.** The entire cost of the Special Taxing District's improvements and/or services shall be specially assessed. It is hereby declared that said services will be a special benefit to all properties within the 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.** The proposed street lighting agreement between Miami-Dade County and Homestead Energy Services is hereby approved and made a part hereof by reference. The provisions of Resolution No. R-130-06 are waived because adoption of this Ordinance is a precursor to the future execution of said agreement, which will not occur until development within the Special Taxing District occurs.

**Section 7.** The County Mayor or County Mayor's designee and the Clerk or Deputy Clerk are hereby authorized and directed to execute at the appropriate time the incorporated street lighting agreement, in substantially the form attached hereto, for and on behalf of Miami-Dade County.

**Section 8.** The County Mayor or County Mayor's designee is authorized and directed to cause the installation of said streetlights to be accomplished within the Special Taxing District in accordance with the provisions of said agreement and the terms of this Ordinance.

**Section 9.** The County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk one Preliminary Assessment Roll for the street lighting services, in accordance with the provisions of Sections 18-14 and 18-22.1 of the Code. As authorized by Section 197.3632, 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. Unless paid when due, such

assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and Section 18-14 of the Code, including possible loss of title.

**Section 10.** 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 11.** It is the intention of this Board and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code.

**Section 12.** The provisions of this Ordinance shall become effective 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:

Approved by County Attorney as  
to form and legal sufficiency:

APW

Prepared by:

DP

Daija Page Lifshitz