

# MEMORANDUM

Agenda Item No. 7(F)  
(Second Reading 10-6-20)  
July 21, 2020

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

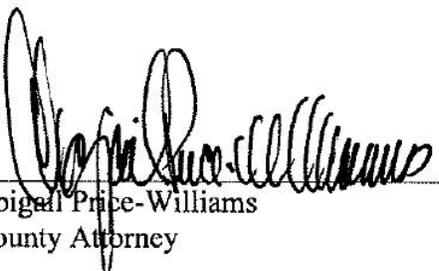
**DATE:**

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

**SUBJECT:** Ordinance changing the boundaries of the City of North Miami, Florida, and amending the City's municipal charter to provide for the annexation of certain lands, pursuant to section 6.04(b) of the Home Rule Charter and chapter 20 of the Code; relating to area referred to as Sunkist Grove, which is generally described as the unincorporated area bounded on the north by NW 135 Street, on the east by NW 13 Avenue, on the south by NW 131 Street, and on the West by NW 16 Avenue; providing for reservation to the County of utility tax revenues; providing for County retention of residential garbage and refuse collection and disposal unless certain circumstances occur; requiring payment of certain outstanding debt service attributable to the annexation area; providing for County retention of jurisdiction over certain declarations of restrictive covenants; providing for contingent effective date; providing for interdependency, inclusion in the code, and an effective date

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

  
Abigail Price-Williams  
County Attorney

APW/uw

**Date:** October 6, 2020

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

**From:** Carlos A. Gimenez  
Mayor



**Subject:** Fiscal Impact Statement for Ordinance Changing the Boundaries of the City of North Miami – Sunkist Area

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The proposed ordinance amends the municipal boundaries of the City of North Miami (City). It is estimated that the annexation area generates \$146,971 in revenue to offset approximately \$116,498 in costs to service the area. Chapter 20 of the Miami-Dade County Code requires the County to retain utility taxes estimated at \$31,849. When added to the net savings, annexation of this area to the City will have a positive impact to the Unincorporated Municipal Service Area (UMSA) budget of \$33,225.

At the FY 2019-20 City millage rate of 7.5 mills, the ad valorem revenues attributable to the Area would be \$92,351. At the FY 2019-20 UMSA millage rate of 1.9283 mills, the ad valorem revenues attributable to the Area is \$23,744. The expected tax increase for the annexation Area is \$68,607. Based on the City's millage rate of 7.5 mills, the average property owner would pay an additional \$429 in property taxes should the annexation be approved, which is calculated by dividing the total increase by the number of properties in the annexation area.



Jennifer Moon  
Deputy Mayor

**Date:** October 6, 2020

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

**From:** Carlos A. Gimenez  
Mayor



**Subject:** Social Equity Statement for Ordinance Changing the Boundaries of the City of North Miami – Sunkist Area

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The proposed ordinance amends the municipal boundaries of the City of North Miami (City). Prior to the ordinance becoming effective, as the annexation area has over 250 resident electors, an affirmative vote of the electorate will be required. Should the vote of the electorate be affirmative, the area will be governed by the City and the residents in this area will receive municipal-type services (police, public works, zoning, planning, permitting, etc.) from the City. Because the City's FY 2019-20 adopted millage rate is 7.5 mills and the UMSA millage rate is 1.9283 mills, should the annexation be approved, the average property owner would pay an additional \$429 in property taxes.



Jennifer Moon  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** October 6, 2020

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

**SUBJECT:** Agenda Item No. 7(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

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

Agenda Item No. 7(F)  
10-6-20

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

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, FLORIDA, AND AMENDING THE CITY'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS, PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO AREA REFERRED TO AS SUNKIST GROVE, WHICH IS GENERALLY DESCRIBED AS THE UNINCORPORATED AREA BOUNDED ON THE NORTH BY NW 135 STREET, ON THE EAST BY NW 13 AVENUE, ON THE SOUTH BY NW 131 STREET, AND ON THE WEST BY NW 16 AVENUE; PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF CERTAIN OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING FOR INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, section 6.04(B) of the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County ("Code") authorize the Board of County Commissioners ("Board") to approve changes to municipal boundaries; and

**WHEREAS**, on October 14, 2014, the City of North Miami ("City") submitted an application for the annexation of the unincorporated area referred to as Sunkist Grove adjacent to the City; and

**WHEREAS**, on February 19, 2020, the Board adopted Resolution No. R-203-20 directing the County Attorney to prepare the appropriate ordinance, interlocal agreement and ballot language to effectuate the annexation request; and

**WHEREAS**, this Board wishes to change the boundaries of the City pursuant to its annexation request, which provides for the reservation to the County of certain revenues, rights, and responsibilities, as set forth herein,

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

**Section 1.** The municipal boundaries of the City of North Miami (“City”) are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of the following property (the “annexation area”):

**Annexation by the City of North Miami**

**Sunkist Grove**

**Legal Description**

**Area Comprised of: The unincorporated area E 1/2 of the NW 1/4 and the W 1/2 of the NE 1/4 of Section 26, Township 52 South, Range 41 East.**

The annexation area encompasses an area described by Resolution No. R-2013-43, adopted by the City, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexation area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

**Section 2.** Pursuant to section 20-8.2 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and receive all utility tax revenues accruing within the annexation area in the same manner as though the annexation area remained a part of the unincorporated area of the County.

**Section 3.** Pursuant to section 20-8.4 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexation area remained part of the unincorporated area of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a 20-year interlocal agreement which provides for collection services, and a 20-year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R--709-96, as may be amended.

**Section 4.** Pursuant to section 20-8.8 of the Code, as a condition of the annexation, the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for the modification or deletion by a successor governmental body.

**Section 5.** The City shall execute a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to the above-mentioned requirements referenced in sections 2, 3, and 4 above, and to pay the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$1,775.00 per year for approximately 19 years until fiscal year 2028-2029 or as provided in the interlocal agreement. The City has represented that it will enter into said interlocal agreement with the County, substantially in the form included in Resolution No. R-\_\_\_\_\_, (hereinafter, the "Interlocal Agreement"). In exercising the County's discretion to approve this annexation, the County has relied upon all of the representations in the Interlocal Agreement, including, but not limited to, those representations related to the above-mentioned requirements.

**Section 6.** It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code in Appendix B – Ordinances Changing Municipal Boundaries, upon the Supervisor of Election's certification of election results as set forth in section 9(b) below. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 7.** The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

**Section 8.** This ordinance shall be effective only upon the condition and with the reservation that the City and the County execute the Interlocal Agreement, substantially in the form included in Resolution No. R-\_\_\_\_\_, and that such Interlocal Agreement remain in effect.

**Section 9.** The effective date of this ordinance is the latter of: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, only upon an override by this Board and (b) the date that a majority of the resident electors voting in the annexation area approve the annexation in a special election called by the Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell  
James Eddie Kirtley

Prime Sponsor: Commissioner Jean Monestime

**RESOLUTION NO. R-2013-43**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING SUBMITTAL OF AN APPLICATION TO MIAMI-DADE COUNTY TO ANNEX INTO THE CITY AN AREA BORDERED ON THE WEST SIDE BY NORTHWEST 16TH AVENUE, ON THE EAST SIDE BY NORTHWEST 13TH AVENUE, ON THE SOUTH SIDE BY NORTHWEST 131ST STREET AND ON THE NORTH SIDE BY NORTHWEST 135TH STREET, IDENTIFIED AS THE SUNKIST GROVE ANNEXATION AREA (OTHERWISE KNOWN AS "AREA 2"); PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, policy 8.1.7 of the City of North Miami ("City") Comprehensive Plan encourages the City to actively pursue development and growth management opportunities through several mechanisms including, but not limited to the potential of annexations where necessary; and

**WHEREAS**, the Mayor and City Council desire to annex the subject properties bordered on the west side by Northwest 16<sup>th</sup> Avenue, on the east side by Northwest 13<sup>th</sup> Avenue, on the south side by Northwest 131<sup>st</sup> Street and on the north side by Northwest 135<sup>th</sup> Street, identified as the Sunkist Grove Annexation Area (otherwise known as "Area 2"); and

**WHEREAS**, Policy 1.1.10 of the City's Comprehensive Plan requires that the City conduct a study to determine the feasibility of annexing areas situated within unincorporated Miami-Dade County and which are contiguous to the City's boundaries; and

**WHEREAS**, on February 22, 2011, the Mayor and City Council adopted Resolution R-2011-23, authorizing the City administration to conduct an analysis and collect data to determine the feasibility of annexing the subject area; and

**WHEREAS**, City Administration completed its analysis on the proposed annexation and determined that the existing unincorporated enclave would be of benefit to the City, and due to its unique location (which engulfs the subject area on all four sides), it could be more efficiently served by the City as opposed to Miami-Dade County; and

**WHEREAS**, the proposed annexation application is keeping with the intent of Section 20-7(A)(1)(c) of the Miami-Dade County Code of Ordinances, which seeks to eliminate the

creation of such enclaves and create more cohesive, inclusive neighborhoods throughout the county; and

**WHEREAS**, pursuant to the requirements of Section 20-3(G) of the Miami-Dade County Code of Ordinances, the City obtained petitions representing the consent of twenty five (25) percent plus one (1) of the electors residing in the subject area; and

**WHEREAS**, City administration seeks authorization from the Mayor and City Council to file a formal annexation application with the Miami-Dade County Clerk, in accordance with the requirements of Section 20-3 of the Miami-Dade County Code of Ordinances; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed annexation application and have determined that it satisfies the goals, objectives and policies of the City's Comprehensive Plan and therefore, it is in the best interest of the City to proceed with the formal annexation application with Miami-Dade County.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

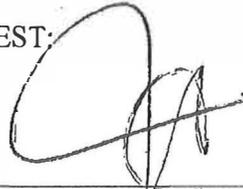
**Section 1. Approval of Submittal Annexation Application.** The Mayor and City Council of the City of North Miami, Florida, hereby approve submittal of an application to Miami-Dade County to annex into the City an area bordered on the west side by Northwest 16<sup>th</sup> Avenue, on the east side by Northwest 13<sup>th</sup> Avenue, on the south side by Northwest 131<sup>st</sup> Street and on the north side by Northwest 135<sup>th</sup> Street, identified as the Sunkist Grove Annexation Area (otherwise known as "Area 2").

**Section 2. Authorization to City Administration.** The Mayor and City Council of the City of North Miami, hereby authorize City administration to take all necessary steps to file a formal annexation application with the Miami-Dade County Clerk to annex into the City, the stated Sunkist Grove Annexation Area, otherwise known as Area 2, in accordance with Miami-Dade County Code of Ordinances.

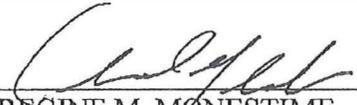
**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 23 day of April, 2013.

  
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ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:   
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Vice Mayor Steril

**Vote:**

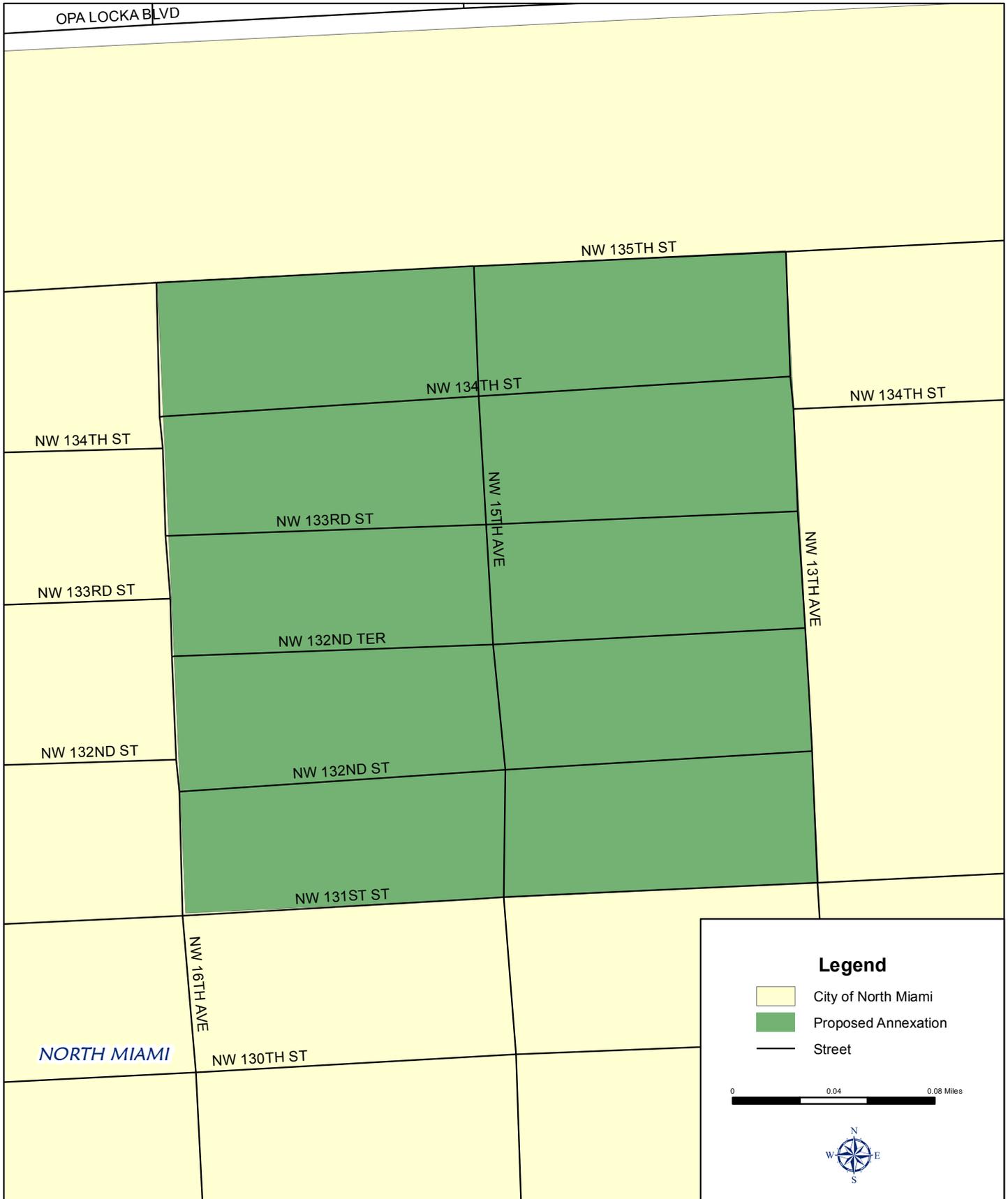
Mayor Andre D. Pierre, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Scott Galvin	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Jean R. Marcellus	<u>  x  </u>	(Yes)	<u>      </u>	(No)

**CERTIFICATION**

I certify this to be a true and correct copy  
of the record in my office.  
WITNESSETH my hand and official seal  
of the City of NORTH MIAMI  
Florida, this the   6   day of  
  May   20   13    
  Jaqueline Torres, Deputy   City Clerk

**MIAMI-DADE COUNTY**

*North Miami Proposed Annexation - Sunkist*



This map was prepared by the Miami Dade County Information Technology Department Geographic Information Systems (GIS) Division  
March 6, 2018

For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services

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