

Memorandum



(Public Hearing 9-1-22)

Date: July 19, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(E)

From: Daniella Levine Cava
Mayor

Subject: Ordinance Amending Ordinance No. 21-104 Relating to the Miline at Ludlam Phase 1
Multipurpose Maintenance Special Taxing District

Executive Summary

The purpose of this item is to gain authorization from the Board of County Commissioners (Board) to amend a special taxing district in unincorporated Miami-Dade County (County) for the installation of streetlights and/or the maintenance of landscaping in the public Rights-of-Way.

Recommendation

In accordance with Article 1, Chapter 18, of the Code of Miami-Dade County (Code), it is recommended that the Board approve the attached amendment to the boundaries of the Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District (Special Taxing District), created by Ordinance No. 21-104, to include contiguous properties. The services within the amended Special Taxing District will be of special benefit to all of the properties therein. The multipurpose maintenance program will remain dormant until any association or community development district (CDD) fails to provide the required maintenance services.

Scope

This Special Taxing District lies within Commission District 6, which is represented by County Commissioner Rebeca Sosa, and will provide multipurpose maintenance services to the contiguous properties, if and when necessary.

Fiscal Impact/Funding Source

Expanding the existing Special Taxing District will result in no economic impact to the County’s budget and there will be no increase or decrease in County staffing. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the Special Taxing District upon acceptance of the plat’s required services by the County, and such services will be funded by special assessments against benefited properties.

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 Special Taxing District, if and when necessary.

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

Social Equity Statement

The proposed Ordinance amends 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 expanded area will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District’s services, regardless of their demographics, and that the total estimated amount of the special assessments to be levied would not be in excess of such special benefit. The amendment of the Special Taxing District, which was requested by 100% of the property owners, will provide for maintenance services in the event that a community development district (CDD) or association fails to provide the required services.

Pursuant to section 18-20.2(b) 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, as amended, will continue to be managed by the County’s Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division (Division), Liset Romero-Lopez.

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee in the event any association or CDD fails to provide the maintenance services. This item further authorizes the County Mayor or County Mayor’s designee, contingent upon Board adoption of a non-ad valorem assessment roll, to provide the Special Taxing District’s required maintenance services and cause implementation of special assessments for the costs of such services against the property owners within the expanded area of the Special Taxing District, as well as contract monitoring, compliance and enforcements, if and when necessary.

Background

The Special Taxing District was created by Ordinance No. 21-104 on October 5, 2021. In accordance with the provisions of Chapter 18 of the Code, a petition to amend the Special Taxing District, duly signed by 100% of the owners of property within the existing Special Taxing District and the proposed expansion area, 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 the memorandum. The Report sets forth the expanded 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 amended to provide a special benefit to all property within the Special Taxing District.

Contingent upon Board approval of the amendment of this Special Taxing District, and in the event any association or CDD fails to provide maintenance services, PROS and the Division will provide the Special Taxing District’s required maintenance services and cause implementation of special assessments for the costs of such services against the benefitted properties, as well as contract monitoring, compliance and enforcements, if and when necessary.

- Current District Boundaries:** On the North, theo. SW 42 Street;
On the East, theo. SW 69 Court;
On the South, theo. SW 41 Trail;
On the West, theo. SW 69 Place.
- District Boundaries as Amended:** On the North, SW 40 Street (Bird Road);
On the East, SW 69 Avenue;
On the South, theo. SW 44 Street;
On the West, theo. SW 69 Place.
- Number of Parcels:** 4 (Tentative plat proposes retail spaces).
- Number of Owners:** 1
- Number of Owners with Homestead Exemption Signing Petition:** None - The petition was submitted by Ludlam Trail Phase III, LLC., the sole property owner and developer of the existing Special Taxing District and the proposed expansion area.
- Preliminary Public Meeting:** None necessary.
- 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 amendment 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 amended Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.
- Required Referendum:** The amendment of the Special Taxing District will be subject only to Board approval; no election will be necessary as 100% of the property owners signed the petition.

Revised Assessment Roll:

In the event any association or CDD fails to provide the maintenance services below, and contingent upon Board approval of this Special Taxing District’s amending Ordinance, a hearing to adopt the multipurpose maintenance revised assessment roll will be conducted. The implementation of the revised assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

Multipurpose Maintenance Services:

The amendment of this Special Taxing District is requested to maintain landscaped swales, medians, common areas, any entrance features, wetlands, lakes, and the exterior of any fencing or walls within the amended Special Taxing District’s boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments, should any association or CDD fail to provide these services. The amended Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to the County and recorded in the Public Records. Services will commence following failure of any association or CDD to provide these services and upon adoption of the amended Special Taxing District’s multipurpose maintenance revised assessment roll.

Estimated Initial Billing:

Assessment billed annually as an itemized portion of the Real Property tax bill. Collection to commence in November following adoption of this Special Taxing District’s revised assessment roll.

Initial Start of Service:

October 1st following cessation of maintenance services by the developer and failures of any association or CDD to provide services.

Estimated Annual Total District Costs:

<u>First Year</u>	<u>Second Year</u>
\$16,492.44	\$9,387.07

Method of Apportionment:

Square Footage

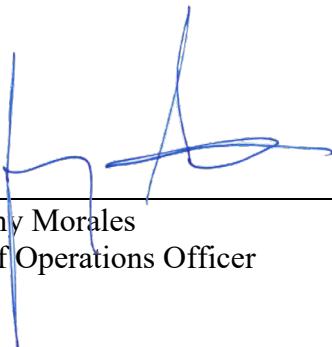
Estimated Annual District Assessments:	<u>First Year</u>	<u>Second Year</u>
Per Assessable Square Foot:	\$0.0599	\$0.0341
For Tract A:	\$16,492.44	\$9,387.07

The above annual costs and assessment information for multipurpose maintenance services are for informational purposes only and were calculated based on current costs assuming that maintenance services were to commence this year. Each subsequent year will be calculated based on actual cost. Actual costs for multipurpose maintenance services will be determined at the time of the revised assessment roll hearing.

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 service to be provided. Amendment of this Special Taxing District to provide these services is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of sections 18-3 (c) and 18-16(i) 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 amended pursuant to section 18-22.1 of the Code.



Jimmy Morales
Chief Operations Officer

**REPORT AND RECOMMENDATIONS ON THE
AMENDMENT OF MILINE AT LUDLAM PHASE 1
MULTIPURPOSE MAINTENANCE 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 amendment to a Special Taxing District, the following facts are submitted by the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) Director concerning the amendment of Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District (Special Taxing District) to include contiguous properties.

1. BOUNDARIES OF THIS DISTRICT

The 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 land lying in Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida (a.k.a. Miline at Ludlam Phase 1, Tentative Plat #T-24269); being more particularly described as follows:

Tract "C" of "Menendez Tracts Replat", according to the Plat thereof, as recorded in Plat Book 172, Page 42, of the Public Records of Miami-Dade County, Florida.

Together with

Commence at the centerlines of Southwest 72nd Avenue and Southwest 40th Street (Bird Road), being the South 1/4 corner of Section 14, Township 54 South, Range 40 East, Miami-Dade County, Florida; thence N87°50'27"E along said centerline of Southwest 40th Street (Bird Road) as a basis of bearings for 1183.97 feet to a point of intersection with the westerly Right-of-Way line of the Florida East Coast Railway, as recorded in Official Records Book 26134, Page 3286, of the Public Records of Miami-Dade County, Florida; thence the following three courses along said westerly Right-of-Way line: S01°28'35"E for 16.00 feet; S87°50'27"W for 30.00 feet; and S01°28'35"E for 34.00 feet to a point of intersection with the southerly Right-of-Way line of Southwest 40th Street (Bird Road); thence continue S01°28'35"E along said westerly Right-of-Way line for 410.80 feet to the Point-of-Beginning of the following described parcel of land: thence N87°44'11"E for 54.00 feet; thence S01°28'35"E for 35.00 feet; thence N87°44'11"E for 46.01 feet to a point of intersection with the easterly Right-of-Way line of the Florida East Coast Railway Right-of-Way; thence S01°28'35"E along said easterly Right-of-Way line for 900.08 feet; thence S87°44'11"W for 100.01 feet to a point of intersection with said westerly Right-of-Way line; thence N01°28'35"W along said westerly Right-of-Way line for 935.09 feet to the Point-of-Beginning.

And

Tract "A" of "Menendez Tracts", according to the Plat thereof, as recorded in Plat Book 167, Page 52, of the Public Records of Miami-Dade County, Florida.

And;

Parcel 2 (South Bird Road Right-of-Way)

Legal description for portion of Parcel 2: (created by the surveyor)

A portion of land lying in Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the centerlines of Southwest 72nd Avenue and Southwest 40th Street (Bird Road), being the South $\frac{1}{4}$ corner of Section 14, Township 54 South, Range 40 East, Miami-Dade County, Florida; thence North $87^{\circ}50'27''$ East along said centerline of Southwest 40th Street as a basis of bearings for 1183.97 feet to a point of intersection with the westerly Right-of-Way line of the Florida East Coast Railway, as recorded in Official Records Book 26134, Page 3286, of the Public Records of Miami-Dade County, Florida; thence the following three courses along said westerly Right-of-Way line; South $01^{\circ}28'35''$ East for 16.00 feet; South $87^{\circ}50'27''$ West for 30.00 feet; and South $01^{\circ}28'35''$????? For 34.00 feet to a point of intersection with the southerly Right-of-Way line of Southwest 40th Street, said point also being the Point-of-Beginning of the following described parcel of land; thence North $87^{\circ}50'37''$ East for 100.01 feet to a point of intersection with the easterly Right-of-Way line of the Florida East Coast Railway Right-of-Way; thence South $01^{\circ}28'35''$ East along said easterly Right-of-Way line for 445.56 feet; thence South $87^{\circ}44'11''$ West for 100.01 feet to a point of intersection with said westerly Right-of-Way line; thence North $01^{\circ}28'35''$ West along said westerly Right-of-Way line for 445.80 feet to the Point-of-Beginning, containing 44,568 square feet or 1.0231 acres, more or less.

And;

Lots one (1) through eighteen (18), inclusive, of Block six (6) of "Byrwood", a subdivision of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 54 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 27, Page 26, of the Public Records of Miami-Dade County, Florida, less the westerly portion acquired by Florida East Coast Railway for Right-of-Way purposes, except that portion thereof conveyed for highway purposes.

Less and except therefrom: all that part of Lot 1, of Block six (6) of "Byrwood", according to the Plat thereof, as recorded in Plat Book 27, Page 26, of the Public Records of Miami-Dade County, Florida, which lies within the external area formed by a 25.00-foot radius arc concaved to the southwest, tangent to the east line of Lot 1 and tangent to a line that is 50.00 feet south of and parallel to the north line of the Northeast $\frac{1}{4}$ of Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida.

The amended Special Taxing District's boundaries and geographical location are shown on the attached map or sketch entitled Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District

(Amendment) and hereinafter referred to as “Exhibit A”.

2. LOCATION AND DESCRIPTION OF DISTRICT

Maintenance of landscaped swales, medians, common areas, entrance features, and the exterior of any fencing or walls within the amended Special Taxing District’s boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments, should any association or community development district (CDD) fail to provide these services. The amended Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area, as defined in a non-exclusive easement granted to the County and recorded in the Public Records. Services will commence following failure of any association or CDD to provide these services, and upon adoption of the amended Special Taxing District’s multipurpose maintenance preliminary assessment roll. Other maintenance services may be provided in the future as specified in the Special Taxing District’s ordinance and amendments thereto.

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

The Special Taxing District is to be amended to provide maintenance only in the event that any association or CDD fails to provide the services as described in Item 2 above and will be dormant until such time as stated above.

This revised cost estimate has been developed by PROS based on previous estimates for similar maintenance special taxing districts and will provide multipurpose maintenance services as specified above if services were to commence in 2022. The combined annual costs of the amended Special Taxing District’s multipurpose maintenance services for the maintenance program are estimated for report purposes to be \$16,492.44 for the first year, and \$9,387.07 for the second year. The administrative fee for the first year is provided by the petitioner and is estimated to be \$4,000.00. The expense of the multipurpose maintenance program will be continuous and service costs following the Special Taxing District’s implementation are to be apportioned to individual properties within the amended Special Taxing District on the basis of lot or parcel square footage. The costs of the multipurpose maintenance program and administrative expenses as shown below are to be paid for by special assessments levied against all benefited properties. Actual multipurpose maintenance costs will be determined and presented to the Board of County Commissioners (Board) at the time of the multipurpose maintenance assessment roll public hearing and will then be adjusted annually thereafter based on actual expenses.

<u>Estimated Annual District Costs</u>	<u>First Year</u>	<u>Second Year</u>
Initial Annual Maintenance	\$6,986.42	\$6,986.42
Engineering and Administrative Costs	\$5,397.28	\$1,397.28
Billing, Collecting and Processing Costs	\$1,360.00	\$150.00
Contingencies	<u>\$2,748.74</u>	<u>\$853.37</u>
Total Annual Maintenance Services Costs	\$16,492.44	\$9,387.07

<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Square Foot:	\$0.0599	\$0.0341
For Tract A:	\$16,492.44	\$9,387.07

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

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

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need for multipurpose maintenance programs is apparent. Residents and property owners of the County continue to demonstrate their desire for the services which will be provided by this amended Special Taxing District through petitions and personal requests. The ability of the affected properties to pay special assessments is evident since the costs of this Special Taxing District's amended 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 proposed multipurpose maintenance program will provide special benefits to properties within the Special Taxing District exceeding the amount of special assessments to be levied.

6. PROCEDURE

Upon approval of the petitioner's plat by the Board, and at the time of service provision, the multipurpose maintenance lot or parcel square footage first year annual rate of the assessment shall be determined and will require the adoption of a multipurpose maintenance assessment roll by the Board and is predicated upon failure of the developer/owner, association or CDD to provide required maintenance services. The multipurpose maintenance square footage rate of the assessment for the second year and each year thereafter will then be adjusted annually based on actual expenses. The above annual costs and assessment information for multipurpose maintenance services are for report purposes only and were calculated based on current costs assuming that maintenance services were to commence this year.

Contingent upon adoption of the petitioner's plat and multipurpose maintenance assessment roll by the Board, and prior to assumption of maintenance services by the County, all areas and facilities to be maintained by the Special Taxing District must be inspected and accepted by the County, and all instruments that convey title to, or provide ingress/egress over, any real property to be maintained by the County shall be submitted to the Special Assessment Districts Division of PROS. Maintenance of any lake, natural preservation area, archeological sites, and mitigation area within the amended Special Taxing District's boundaries to be maintained by the Special Taxing District will commence upon notice from RER that the developer has complied with any and all maintenance requirements imposed by RER.

Once any applicable provisions expressed above are met, implementation of maintenance services within or abutting the public rights-of-way may begin upon receipt of a written request from the developer no later than January 31st for services commencing October 1st, the beginning of the County's fiscal year, provided sufficient time to initiate the process of assessment and notice of collection to all property owners within the Special Taxing District.

Services within the private road area may commence upon failure of the developer or any association or CDD to maintain the landscaped areas and ingress/egress easements as defined in a "Grant of Perpetual Non-Exclusive Easement" and made a part herein by reference. Upon assumption of maintenance services by the Special Taxing District, the costs of which are estimated in the amended Special Taxing District's revised cost estimate, any increase in future multipurpose maintenance functions within the scope of service

for the Special Taxing District may be provided upon recommendation by a majority of the property owners for consideration by the County as administrator, provided that any expansion of the scope of service of the Special Taxing District may require adoption of an amending ordinance. The Special Taxing District shall provide a minimum level of service as determined by PROS and services may not be deleted entirely unless the Special Taxing District is abolished.

However, because costs and/or maintenance service levels may increase, the estimated annual expense, as indicated herein, can only be based on the initial maintenance program. After the first year, the costs of the multipurpose maintenance program will therefore require adjustment annually through the budget process performed by PROS as administrator of the Special Taxing District.

7. RECOMMENDATION

I recommend that Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District be amended pursuant to section 18-22.1 of the Code. The amendment 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 amendment of the Miline at Ludlam Phase 1 Multipurpose Maintenance 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 failure of any association or CDD to provide these services, the Board may adopt the amended Special Taxing District's Revised 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 this Special Taxing District, as well as operate and maintain the Special Taxing District. The ordinance amending the Special Taxing District shall take effect ten 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 with our findings.

- Attachments: (1) Copy of Petition and Attachments
(2) Copy of Memo from Department of Regulatory and Economic Resources
(3) District Boundaries and Geographical Location Sketch (Exhibit A)

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Lorena Guerra-Macias
Chief, Special Assessment Districts Division

FROM: Ryan Carlin *RC*
Assistant County Attorney

DATE: May 20, 2022

SUBJECT: Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District
(Amendment)

Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient for the purposes stated within the Petition, provided that the areas to be maintained are adjacent to or accessible from the public right of way, and are accessible to or usable by the public.

Date: May 20, 2022

To: Basia Pruna, Deputy Clerk
Office of the Clerk of the Board
Attn: Shania Momplaisir

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

Subject: Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District
(Amendment)

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 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>3</u> |
| 2. | Total number of owners of property within district boundaries | <u>1</u> |
| 3. | Total number of resident owners within district boundaries
(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
in an official capacity | <u>1</u> |
| 6. | Percentage of owners or representatives signing the petition
in their official capacity | <u>100%</u> |

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

c: Ryan Carlin

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

December 17, 2021

Document Preparation
Date

Departmental Acceptance Date
(Government Use Only)

PETITION FOR AMENDMENT OF MULTIPURPOSE MAINTENANCE 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, to amend Ordinance No. 21-104 pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, expanding the boundaries of the Miline at Ludlam Phase 1 Multipurpose Maintenance Special Taxing District to include and provide special taxing district services to those properties lying generally between SW 40 Street and theoretical SW 42 street and theoretical SW 69 Place and SW 69 Avenue for any or all of the following: landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). 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) MILINE RETAIL (T-24672)

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 improvements 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
LUDLAM TRAIL PHASE III, LLC, a Delaware limited liability company	2001 Summit Park Dr #300, Orlando, Florida 32810	MORE FULLY DESCRIBED ON THE ATTACHED "EXHIBIT A"	30-4023-000-0500; 30-4023-099-0010; 30-4023-009-0060

[Signatures and Notary Block on next page]

EXHIBIT “A”

EXHIBIT A TO THE PETITION FOR THE PLAT KNOWN AS **MILINE RETAIL AND OTHER DATED DECEMBER 17, 2021 TO AMEND THE MILINE AT LUDLAM PHASE 1 MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT.**

Legal Description:

PHASE 3

PHASE 3, TRACT 1 (EAST PARCEL):

TRACT “A” OF MENENDEZ TRACTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2 – (SOUTH BIRD ROAD RIGHT OF WAY)

LEGAL DESCRIPTION FOR PORTION OF PARCEL 2: (CREATED BY THE SURVEYOR)
A PORTION OF LAND LYING IN SECTION 23, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINES OF SOUTHWEST 72ND AVENUE AND SOUTHWEST 40TH STREET (BIRD ROAD), BEING THE SOUTH ¼ CORNER OF SECTION 14, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 87°50'27” EAST ALONG SAID CENTERLINE OF SOUTHWEST 40TH STREET AS A BASIS OF BEARINGS FOR 1183.97 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY AS RECORDED IN OFFICIAL RECORDS BOOK 26134, PAGE 3286, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE THE FOLLOWING THREE COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE; SOUTH 01°28'35” EAST FOR 16.00 FEET; SOUTH 87°50'27” WEST FOR 30.00 FEET; AND SOUTH 01°28'35” EAST FOR 34.00 FEET TO A POINT OF INTERSECTION WITH SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST 40TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE NORTH 87°50'37” EAST FOR 100.01 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY; THENCE SOUTH 01°28'35” EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 445.56 FEET; THENCE SOUTH 87°44'11” WEST FOR 100.01 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 01°28'35” WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 445.80 FEET TO THE POINT OF BEGINNING, CONTAINING 44,568 SQUARE FEET OR 1.0231 ACRES, MORE OR LESS.

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

PHASE 3, TRACT 3 (POST OFFICE)

LOTS ONE (1) THROUGH EIGHTEEN (18), INCLUSIVE, OF BLOCK SIX (6) OF BYRWOOD, A SUBDIVISION OF THE WEST ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 54 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WESTERLY PORTION ACQUIRED BY FLORIDA EAST COAST RAILWAY FOR RIGHT-OF-WAY PURPOSES, EXCEPT THAT PORTION THEREOF CONVEYED FOR HIGHWAY PURPOSES.

LESS AND EXCEPT THEREFROM: ALL THAT PART OF LOT 1, OF BLOCK SIX (6) OF BYRWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHWEST, TANGENT TO THE EAST LINE OF LOT 1 AND TANGENT TO A LINE THAT IS 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

Folio Nos. 30-4023-099-0010; 30-4023-000-0500; 30-4023-009-0060

EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS MILINE RETAIL DATED DECEMBER 17, 2021 FOR THE AMENDMENT OF THE MILINE AT LUDLAM PHASE 1 MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT.

AREAS TO BE MAINTAINED:

WALL AND ENTRANCE FEATURES ALONG SW 69 AVENUE BERMS AND LANDSCAPING ALONG RECREATIONAL TRAIL.

MAINTENANCE SCHEDULE:

A.) LAWN/GRASS

- 1) CUT 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 SURFACE REPAIR OF THE EXTERIOR OF A DECORATIVE MASONRY WALL AND THE REMOVAL OF GRAFFITI AS NEEDED

Note: THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE **DORMANT**. 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 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: PRIVATE ROADS.

Memorandum



Date: September 16, 2020

To: Maria Nardi, Director
Department of Parks, Recreation and Open Spaces

From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

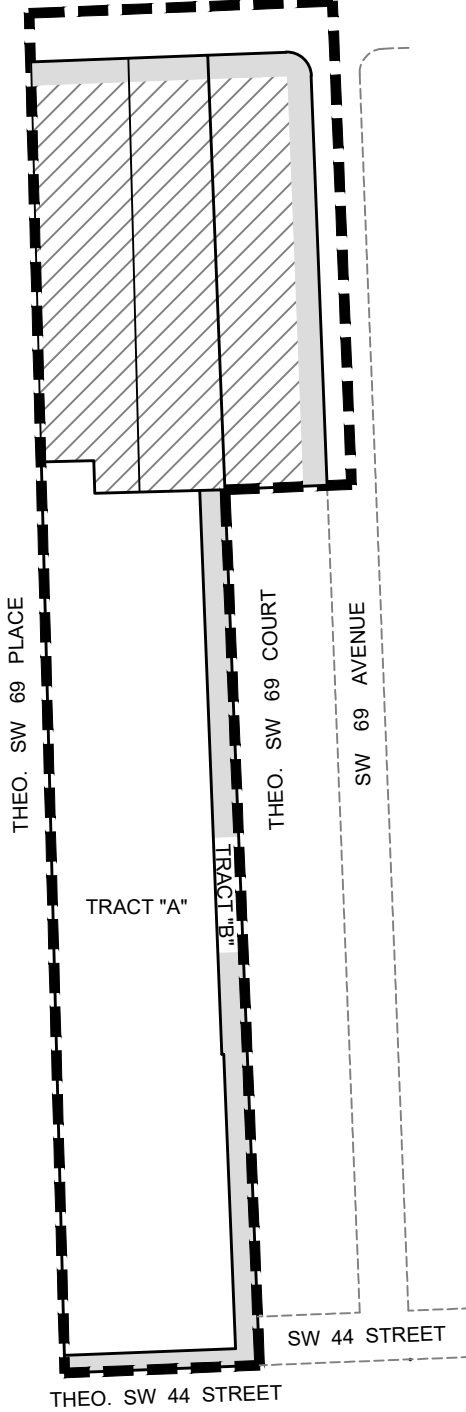
Subject: Street lighting, Maintenance of Landscape, Walls Adjacent to Double Frontage Lots, Entrance Features and Lakes – Special Taxing Districts

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, 2021, 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 January 23, 2020, 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

SW 40 STREET
(BIRD ROAD / STATE ROAD 976)



MILINE AT LUDLAM PHASE 1

MULTIPURPOSE MAINTENANCE
SPECIAL TAXING DISTRICT
(AMENDMENT)



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



DENOTES AREAS TO BE ANNEXED.

EXHIBIT "A"

(Boundaries & Geographical Location Sketch)

M-843 (COMM. 0007)
SECTION: 23-54-40



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(E)

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. 5(E)
9-1-22

ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 21-104, EXPANDING THE BOUNDARIES OF MILINE AT LUDLAM PHASE 1 MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT TO ADD CONTIGUOUS PROPERTIES, AND TO BE GENERALLY BOUNDED, AS AMENDED, ON THE NORTH BY SW 40 STREET (BIRD ROAD), ON THE EAST BY SW 69 AVENUE, ON THE SOUTH BY THEORETICAL SW 44 STREET, AND ON THE WEST BY THEORETICAL SW 69 PLACE; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CAUSE TO BE MAINTAINED AND OPERATED VARIOUS PUBLIC IMPROVEMENTS AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

WHEREAS, a public hearing has been conducted by the Board of County Commissioners in accordance with the requirements and procedures of chapter 18 of the Code of Miami-Dade County,

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

Section 1. This Board incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Section 3 of Ordinance No. 21-104 is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 3. The area or boundaries of this >>amended<<Special Taxing District, generally bounded, >>as amended<<, on the north by ~~[[theoretical SW 42 Street]]~~>>SW 40 Street (Bird Road)<<, on the east by ~~[[theoretical SW 69 Court]]~~>>SW 69 Avenue<<, on the south by theoretical SW 44 Street, and on the west by theoretical SW 69 Place, and located entirely within ~~[[District 7]]~~ >>Commission District 6<<, are as follows:

A portion of land lying in Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida (a.k.a. Miline at Ludlam Phase 1, Tentative Plat #T-24269); being more particularly described as follows:

Tract "C" of "Menendez Tracts Replat", according to the Plat thereof, as recorded in Plat Book 172, Page 42, of the Public Records of Miami-Dade County, Florida.

Together with

Commence at the centerlines of Southwest 72nd Avenue and Southwest 40th Street (Bird Road), being the South 1/4 corner of Section 14, Township 54 South, Range 40 East, Miami-Dade County, Florida; thence N87°50'27"E along said centerline of Southwest 40th Street (Bird Road) as a basis of bearings for 1183.97 feet to a point of intersection with the westerly Right-of-Way line of the Florida East Coast Railway, as recorded in Official Records Book 26134, Page 3286, of the Public Records of Miami-Dade County, Florida; thence the following three courses along said westerly Right-of-Way line: S01°28'35"E for 16.00 feet; S87°50'27"W for 30.00 feet; and S01°28'35"E for 34.00 feet to a point of intersection with the southerly Right-of-Way line of Southwest 40th Street (Bird Road); thence continue S01°28'35"E along said westerly Right-of-Way line for 410.80 feet to the Point-of-Beginning of the following described parcel of land: thence N87°44'11"E for 54.00 feet; thence S01°28'35"E for 35.00 feet; thence N87°44'11"E for 46.01 feet to a point of intersection with the easterly Right-of-Way line of the Florida East Coast Railway Right-of-Way; thence S01°28'35"E along said easterly Right-of-Way line for 900.08 feet; thence S87°44'11"W for 100.01 feet to a point of intersection with said westerly Right-of-Way line; thence N01°28'35"W along said westerly Right-of-Way line for 935.09 feet to the Point-of-Beginning.

And

>>Tract "A" of "Menendez Tracts", according to the Plat thereof, as recorded in Plat Book 167, Page 52, of the Public Records of Miami-Dade County, Florida.

And;

Parcel 2 (South Bird Road Right-of-Way)

Legal description for portion of Parcel 2: (created by the surveyor)
A portion of land lying in Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the centerlines of Southwest 72nd Avenue and Southwest 40th Street (Bird Road), being the South ¼ corner of Section 14, Township 54 South, Range 40 East, Miami-Dade County, Florida; thence North 87°50'27" East along said centerline of Southwest 40th Street as a basis of bearings for 1183.97 feet to a point of intersection with the westerly Right-of-Way line of the Florida East Coast Railway, as recorded in Official Records Book 26134, Page 3286, of the Public Records of Miami-Dade County, Florida; thence the following three courses along said westerly Right-of-Way line; South 01°28'35" East for 16.00 feet; South 87°50'27" West for 30.00 feet; and South 01°28'35" East For 34.00 feet to a point of intersection with the southerly Right-of-Way line of Southwest 40th Street, said point also being the Point-of-Beginning of the following described parcel of land; thence North 87°50'37" East for 100.01 feet to a point of intersection with the easterly Right-of-Way line of the Florida East Coast Railway Right-of-Way; thence South 01°28'35" East along said easterly Right-of-Way line for 445.56 feet; thence South 87°44'11" West for 100.01 feet to a point of intersection with said westerly Right-of-Way line; thence North 01°28'35" West along said westerly Right-of-Way line for 445.80 feet to the Point-of-Beginning, containing 44,568 square feet or 1.0231 acres, more or less.

And;

Lots one (1) through eighteen (18), inclusive, of Block six (6) of "Byrwood", a subdivision of the West ½ of the West ½ of the Northeast ¼ of the Northeast ¼ of Section 23, Township 54 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 27, Page 26, of the Public Records of Miami-Dade County, Florida, less the westerly portion acquired by Florida East Coast Railway for Right-of-Way purposes, except that portion thereof conveyed for highway purposes.

Less and except therefrom: all that part of Lot 1, of Block six (6) of "Byrwood", according to the Plat thereof, as recorded in Plat Book 27, Page 26, of the Public Records of Miami-Dade County, Florida, which lies within the external area formed by a 25.00-foot radius arc concaved to the southwest, tangent to the east line of Lot 1 and tangent to a line that is 50.00 feet south of and parallel to the north line of the Northeast ¼ of Section 23, Township 54 South, Range 40 East, Miami-Dade County, Florida.<<

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, attached to the accompanying memorandum.

Section 3. 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 4. 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 5. The provisions of this Ordinance shall become effective ten 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:

Approved by County Attorney
as to form and legal sufficiency:

GBK

Prepared by:

RC

Daija Page Lifshitz
Ryan Carlin