

MEMORANDUM

Agenda Item No. 7(B)


TO: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading 12-6-22)
September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of Florida City, 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 Area I, which includes the area generally described as the unincorporated area bounded on the north by SW 7 Street (SW 352 Street), on the south by theoretical 9 Street, on the east by theoretical 9 Avenue, and on the west by Redland Road (SW 187 Avenue); providing for reservation to the County of utility tax revenues; providing for County retention of residential garbage and refuse collection and disposal; providing for County retention of jurisdiction over certain declarations of restrictive covenants; providing for contingent effective date; providing for interdependency

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.




Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001

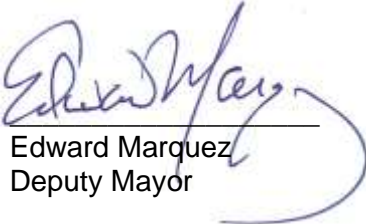
Date: December 6, 2022

To: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Changing the Boundaries of the City of Florida City

The proposed Ordinance amends the municipal boundaries of the City of Florida City (City). The proposed annexation area consists of 2 vacant land folios of approximately 10 acres of the Unincorporated Municipal Service Area (UMSA). The revenues and expenses for the two parcels are not significant and will not have a fiscal impact on the Unincorporated Municipal Service Area budget.


Edward Marquez
Deputy Mayor

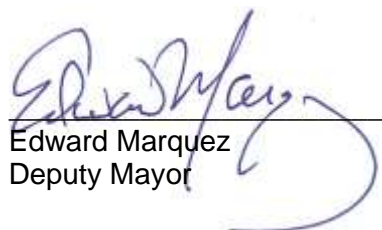
Date: December 6, 2022

To: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Impact Statement for Ordinance Changing the Boundaries of the City of
Florida City

The proposed Ordinance amends the municipal boundaries of the City of Florida City (City). If implemented, the annexation area will become part of the City's boundaries without an election as the area has under 250 resident electors and consists of 2 vacant land folios of approximately 10 acres of the Unincorporated Municipal Service Area (UMSA). The social benefit provided by this Ordinance will be the convenience and easier access for businesses to City Hall and the governmental services they provide.


Edward Marquez
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
12-6-22

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, 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 AREA I, WHICH INCLUDES THE AREA GENERALLY DESCRIBED AS THE UNINCORPORATED AREA BOUNDED ON THE NORTH BY SW 7 STREET (SW 352 STREET), ON THE SOUTH BY THEORETICAL 9 STREET, ON THE EAST BY THEORETICAL 9 AVENUE, AND ON THE WEST BY REDLAND ROAD (SW 187 AVENUE); PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL; 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 April 29, 2020, the City of Florida City ("City") submitted an application for the annexation of the unincorporated area referred to in the City's application as Area "I", adjacent to the City; and

WHEREAS, on October 5, 2021, the Board adopted Resolution No. R-903-21 directing the County Attorney to prepare the appropriate ordinance and interlocal agreement to effectuate the annexation request; and

WHEREAS, as stated in the County staff memo included as part of Resolution No. R-903-21, there are no stormwater fees associated with the annexation area, and as such, there is no outstanding stormwater debt service attributable to this annexation area which would be required to be paid by the City as part of this annexation, nor is there a pro rata share of any other County debt service attributable to this annexation area; 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 Florida City (“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 Florida City

Area “I”

LEGAL DESCRIPTION

The NW 1/4 of the NW 1/4 of the SW 1/4 of Section 25, Township 57 South, Range 38 East, in Miami-Dade County, Florida, also described as follows:

Begin at the Northwest corner of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Section 25, also being the point of intersection of the centerlines of SW 187 Avenue and SW 352 Street (Southwest 7th Street) depicted as Redland Road and Sixteen Street respectively in the Revised Plat of VALENCIA PARK, according to the plat thereof recorded in Plat Book 48, Page 23 of the Public Record of Miami Dade County, Florida; thence Easterly, along the centerline of SW 352 Street (Southwest 7th Street) being also the North line of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Section 25 to the Northeast corner thereof; thence Southerly, along the East line of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Section 25 being also the centerline of SW 185 Avenue to the Southeast corner thereof; thence Westerly, along the South line of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Section 25 being also the North boundary line of Centro Villas North,

according to the plat thereof recorded in Plat Book 145 at Page 31 of the Public Records of Miami-Dade County, Florida, to the Southwest corner thereof; thence Northerly, along the West line of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Section 25 being also the centerline of SW 187 Ave to the Northwest corner thereof and the **Point of Beginning**.

The annexation area encompasses an area described by Resolution No. 20-19, adopted by the City, which resolution is attached hereto as Exhibit A and made a part hereof by reference. A map depicting the annexation area is attached hereto as Exhibit 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 set forth above in this section 1 of this ordinance and the map identified as Exhibit 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 forever 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 either 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 throughout 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-1198-95.

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. 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. 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. This ordinance shall become effective upon the later of: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; and (b) upon the execution of the City and the County of the Interlocal Agreement, substantially in the form included in Resolution No. R-_____.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell
James Eddie Kirtley

Prime Sponsor: Commissioner Kionne L. McGhee

RESOLUTION NO. 20-19

A RESOLUTION OF THE CITY OF FLORIDA CITY, FLORIDA, APPROVING THE TRANSMITTAL OF AN APPLICATION TO MIAMI-DADE COUNTY FOR THE ANNEXATION OF AREA "I" INTO THE JURISDICTION OF FLORIDA CITY PURSUANT TO CHAPTER 20 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Florida City desires to annex Area "I" into the City's jurisdictional boundary;

WHEREAS, Area "I" is 10 acres in size and located at the southeast corner of the intersection of Redland Road and SW 7th Street;

WHEREAS, Annexation Area "I" is legally-described in Exhibit A and a map of the Area is contained in Exhibit B; and

WHEREAS, the City has prepared an annexation application for Area "I" to submit to Miami-Dade County for review and approval pursuant to County Code Chapter 20;

WHEREAS, a notice of the public hearing was sent to all Area "I" property owners and owners of property within 600 feet of Area "I", and published in a newspaper of general circulation prior to the hearing, consistent with Chapter 20 of the County Code; and

WHEREAS, the City Commission finds that the proposed annexation is consistent with the goals, objectives and policies of the Florida City Comprehensive Development Master Plan, and will be in the best long-term interest of Florida City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLORIDA CITY, THAT:

Section 1. All of the foregoing recitals are true and correct, and adopted as an integral part of this resolution.

Section 2. The Mayor is given full authority to submit the Area "I" annexation application to the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Chapter 20 of the Miami-Dade County Code..

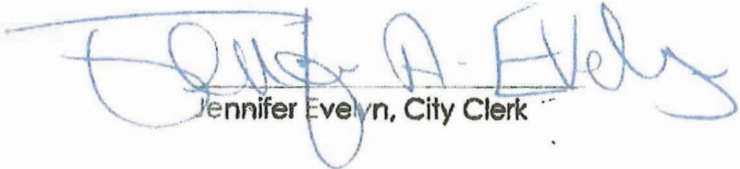
Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and City Commission of the City of Florida City, Florida this 24th day of March, 2020.



Otis T. Wallace, Mayor

ATTEST:


Jennifer Evelyn, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Regine Monestime, City Attorney

Offered by: Mayor

Motion to adopt by Vice Mayor Butler seconded by Comm. Berry

FINAL VOTE AT ADOPTION

- Mayor Otis T. Wallace Yes
- Vice Mayor Sharon Butler Yes
- Commissioner R.S. Shiver Yes
- Commissioner Eugene D. Berry Yes
- Commissioner James Gold Yes



STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Jennifer A. Evelyn, City Clerk of the City of Florida City, Florida do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office. WITNESS, my hand and the seal of said City

this 24th day of March, AD 2020

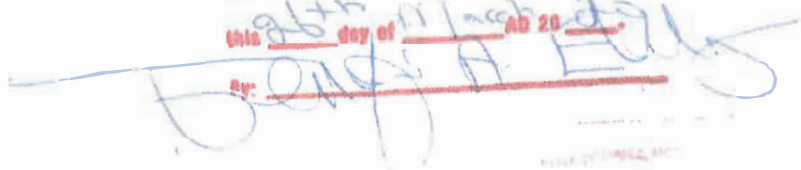


EXHIBIT A

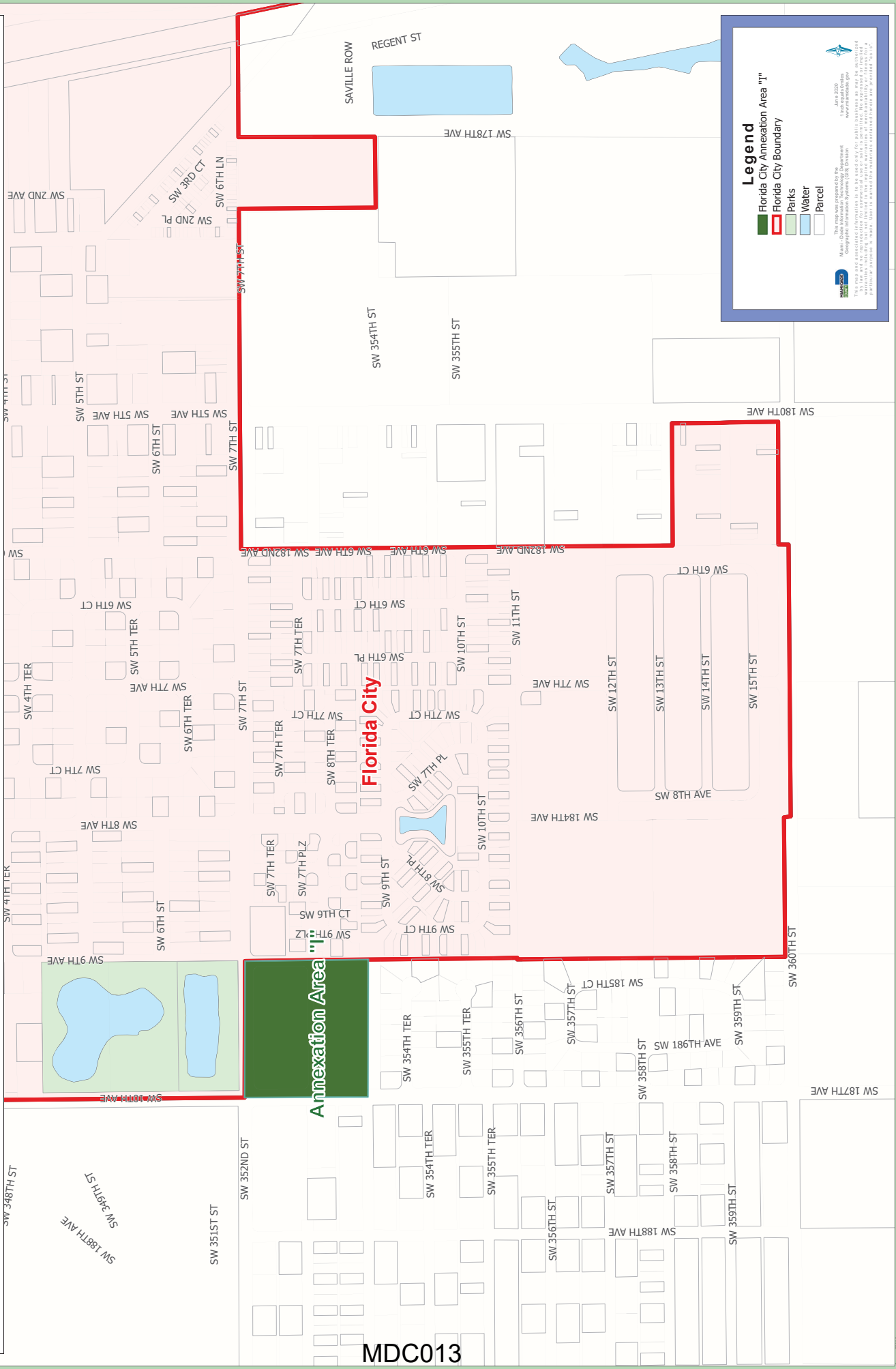
ANNEXATION AREA "I"

LEGAL DESCRIPTION

Begin at the intersection of the centerlines of Redland Road (SW 187th Avenue) and SW 7th Street (SW 352nd Street); then proceed east along the centerline of SW 7th Street to the intersection with the centerline of NW 9th Avenue; then proceed south along the centerline alignment for (theoretical) NW 9th Avenue until the intersection with (theoretical) NW 9th Street; then proceed west along the centerline alignment for (theoretical) NW 9th Street until the intersection with the centerline of Redland Road; then proceed north along the centerline of Redland Road to the point-of-beginning.

EXHIBIT-B

Florida City Annexation of Area "I"



MDC013