

MEMORANDUM

Agenda Item No. 4(I)

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

DATE: November 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of Miami Springs, 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 the area referred to as the Miami Springs Annexation Area with approximate outer boundaries on the north by NW 74 Street corridor, on the south by NW 36 Street, on the east by City of Miami Springs' current western boundary and the FEC tracks to the west of the City's current western boundary, and on the west by State Road 826; 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; waiving section 20-28 of the Code which would require the City to pay mitigation; waiving the provisions of Resolution No. R-605-22 with respect to requiring the City to pay mitigation to the County; providing for County retention of jurisdiction over certain declarations of restrictive covenants and Areas and Facilities of Countywide Significance; providing for contingent effective date; providing for interdependency, inclusion in the Code, and an effective date

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



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM
(Revised)

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

DATE: November 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(I)

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. 4(I)
11-1-22

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF MIAMI SPRINGS, 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 THE AREA REFERRED TO AS THE MIAMI SPRINGS ANNEXATION AREA WITH APPROXIMATE OUTER BOUNDARIES ON THE NORTH BY NW 74 STREET CORRIDOR, ON THE SOUTH BY NW 36 STREET, ON THE EAST BY CITY OF MIAMI SPRINGS' CURRENT WESTERN BOUNDARY AND THE FEC TRACKS TO THE WEST OF THE CITY'S CURRENT WESTERN BOUNDARY, AND ON THE WEST BY STATE ROAD 826; 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; WAIVING SECTION 20-28 OF THE CODE OF MIAMI-DADE COUNTY WHICH WOULD REQUIRE THE CITY TO PAY MITIGATION; WAIVING THE PROVISIONS OF RESOLUTION NO. R-605-22 WITH RESPECT TO REQUIRING THE CITY TO PAY MITIGATION TO THE COUNTY; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS AND AREAS AND FACILITIES OF COUNTYWIDE SIGNIFICANCE; 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 August 9, 2017, the City of Miami Springs (“City”) submitted an application for the annexation of the unincorporated area referred to in the City’s application as the Miami Springs Annexation Area, contiguous to the City; and

WHEREAS, on July 7, 2022, the Board adopted County Resolution No. R-605-22 directing the County Attorney to prepare the appropriate ordinance and interlocal agreement to effectuate the annexation request; and

WHEREAS, the County Mayor recommended that the City be required to pay mitigation to the County in connection with this annexation, and because the Miami Springs Annexation Area is a Commercial Business Industrial District (CBI) area, mitigation would be required pursuant to section 20-28 of the Code; and

WHEREAS, this Board, however, does not wish to require mitigation, and this ordinance therefore waives the provisions of section 20-28 of the Code which would require the City to pay mitigation with respect to CBI areas and also waives County Resolution No. R-605-22 with respect to requiring the City to pay mitigation to the County in connection with this annexation; and

WHEREAS, other than the provisions on mitigation which are hereby waived, the City’s application for the Miami Springs Annexation Area complies with the County’s procedures, requirements, and Code provisions related to municipal boundary changes, including, but not limited to, the provisions in section 20-3.1 of the Code related to contiguity, the Urban Development Boundary, and providing information about enclaves; and

WHEREAS, the annexation of the Miami Springs Annexation Area by the City would not create an enclave because, among other things, the remaining unincorporated areas are all of a size that could be serviced efficiently and effectively; and

WHEREAS, the County does not have any other pending applications for the annexation of the Miami Springs Annexation Area or any portion thereof; and

WHEREAS, in addition, no municipality that could present such an annexation application for consideration by this Board in accordance with section 20-3.1 has indicated any intent or interest in the annexation of the Miami Springs Annexation Area or any portion thereof; 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 foregoing recitals are incorporated into this ordinance and are approved.

Section 2. The municipal boundaries of the City of Miami Springs (“City”) are hereby changed, extended and enlarged, and the City’s charter is hereby amended by the annexation to the City of the following property (the “annexation area”):

**Annexation by the City of Miami Springs
Miami Springs Annexation Area
Legal Description**

Those portions of Sections 11, 12, 13, 14, 23 and 26 Township 53 South, Range 40 East, Miami-Dade County, Florida being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 26; thence Westerly, along the North line of said Section 26, for a distance of 1337.00 feet to the point of intersection with a line 100 feet West of and parallel to the centerline of the Florida East Coast Railroad being also the Westerly property line of the FEC Railroad Hialeah Yard; thence S 01°29’17” E, along said

property line, for a distance of 990.27 feet to the point of intersection with the centerline of NW 36 Street Extension - State Route No 948, (also labeled "Base Line of Survey") as shown on the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87220 2506 dated October 3, 1994 which is derived from STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87673-2601, recorded in Map Book 75, Page 80 of the Public Records of Miami-Dade County, Florida; being also the **POINT OF BEGINNING**; thence Westerly, along said centerline (Baseline of Survey), for the following five (5) courses and distances: (1) N 69°06'46" W, for a distance of 97.61 feet to the point of curvature of a circular curve; (2) thence Northwesterly, along the arc of said curve to the left, through a central angle of 21°32'35", having a radius of 1,910.08 feet, for an arc distance of 718.19 feet to a point of tangency; (3) thence S 89°20'39" W, for a distance of 502.96 feet to the point of intersection with the centerline of NW 72 Avenue being also a point on the West line of the Northeast 1/4 of said Section 26; (4) thence N 01°43'48" W, along said West line, for a distance of 0.20 feet; (5) thence S 89°21'44" W, along said centerline (baseline of survey), for a distance of 1,574.66 feet; thence N 00°38'16" W leaving said centerline along a line labeled "Frontage Road" right of way line, for a distance of 97.11 feet to a point of intersection with a line parallel to said baseline of survey; thence S 89°21'44" W, along said parallel line, for a distance of 259.62 feet to a point of curvature of a circular curve; thence Northwesterly, along the arc of said curve to the right, through a central angle of 35°09'14", having a radius of 408.75 feet, for an arc distance of 250.79 feet to a point, thence along the East Limited access Right-of-Way line for the following nine (9) courses and distances as shown on the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87260-2516 dated August 25, 2010 recorded in Map Book 152, Page 65 of the Public Records of Miami-Dade County, Florida; (1) thence N 40°01'29" W, for a distance of 363.52 feet; (2) thence N 32°05'39" W, for a distance of 130.69 feet; (3) thence N 25°22'31" W, for a distance of 198.42 feet (4) thence N 13°06'44" W, for a distance of 220.51 feet; (5) thence N 05°09'42" W, for a distance of 865.73 feet to the point of curvature of a circular curve; (6) thence Northwesterly, along the arc of said curve to the right, through a central angle of 03°21'05", having a radius of 3490.50 feet, for an arc distance of 204.17 feet to a point of tangency; (7) thence N 01°48'37" W, for a distance of 471.49 feet; (8) thence N 04°06'30" W, for a distance of 175.14 feet; (9) thence N 01°48'38" W, for a distance of 804.48 feet to the point of intersection with the South Line of the NW 1/4 of said Section 23, being also

the centerline of NW 50 Street; thence along the East Limited access Right-of-Way line for the following twelve courses (12) as shown on the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87260-2517 dated August 25, 2010 recorded in Map Book 152, Page 66 of the Public Records of Miami-Dade County, Florida; (1) thence N 01°47'25" W, for a distance of 1451.80 feet; (2) thence N 03°12'22" E, for a distance of 29.66 feet; (3) thence S 89°54'00" W, for a distance of 2.00 feet; (4) thence N 03°12'22" E, for a distance of 79.64 feet to the point of curvature of a circular curve; (5) thence Northeasterly, along the arc of said curve to the right, through a central angle of 00°26'42", having a radius of 11,002.00 feet, for an arc distance of 85.46 feet which chord bear N 03°25'43" E to a point; (6) thence N 89°51'40" E, for a distance of 2.00 feet to the point of curvature of a circular curve; (7) thence Northeasterly, along the arc of said curve to the right, through a central angle of 00°10'57", having a radius of 11,000.00 feet, for an arc distance of 35.04 feet which chord bear N 03°44'35" E to a point of compound curvature; (8) thence Northeasterly, along the arc of said curve to the right, through a central angle of 02°52'11", having a radius of 2,600.00 feet, for an arc distance of 130.23 feet which chord bear N 05°16'09" E to a point; (9) thence N 89°49'45" E, for a distance of 14.85 feet; (10) thence N 23°14'15" E, for a distance of 555.87 feet; (11) thence N 58°38'41" E, for a distance of 356.13 feet; (12) thence N 78°21'28" E, for a distance of 203.96 feet through a line labeled "Existing Limited Access Right of Way"; (12) thence leaving said line N 00°20'45" W, for a distance of 90.18 feet; (13) thence N 07°52'02" E, for a distance of 134.50 feet to a point of curvature of a circular curve; (14) thence Northwesterly, along the arc of said curve to the right, through a central angle of 35°20'00", having a radius of 400.00 feet, for an arc distance of 246.67 feet to a point; (15) thence N 54°59' 56" W, for a distance of 418.78 feet to a point of curvature of a circular curve; (16) thence Northwesterly, along the arc of said curve to the right, through a central angle of 04°42'07", having a radius of 400.00 feet, for an arc distance of 32.83 feet which chord bear N 50°04'12" W to a point; (17) thence N 26°26'32" W, for a distance of 336.65 feet; to a point of curvature of a circular curve; (18) thence Northwesterly, along the arc of said curve to the right, through a central angle of 06°44'20", having a radius of 1039.69 feet, for an arc distance of 122.29 feet which chord bear N 18°02'43" W to a point; (19) thence N 01°43'40" W, for a distance of 160.05 feet; (20) thence N 03°27'37" W, for a distance of 661.54 feet; (21) thence N 01°43'40" W, for a distance of 330.38 feet; (22) thence N 88°16'20" E, for a distance of 7.00 feet; (23) thence N 01°43'39" W, for a distance of 30.00 feet; (24) thence S 88°16'20" W, for a distance

of 7.00 feet; (25) thence N 01°43'40" W, for a distance of 575.32 feet to a point on the North line of the SW 1/4 of said Section 14; thence continue along the East Limited access Right-of-Way line for the following seventeen courses (17) as shown on the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87260-2518 dated August 25, 2010 recorded in Map Book 152, Page 67 of the Public Records of Miami-Dade County, Florida; (1) thence N 01°44'45" W, for a distance of 224.39 feet; (2) thence N 88°15'15" E, for a distance of 7.00 feet; (3) thence N 01°44'45" W, for a distance of 147.50 feet; (4) thence S 88°15'15" W, for a distance of 7.00 feet; (5) thence N 01°44'45" W, for a distance of 758.75 feet; (6) thence N 88°15'15" E, for a distance of 7.00 feet; (7) thence N 01°44'45" W, for a distance of 147.50 feet; (8) thence S 88°15'15" W, for a distance of 7.00 feet; (9) thence N 01°44'45" W, for a distance of 66.34 feet; (10) thence N 02°15'06" E, for a distance of 457.91 feet to a point of curvature of a circular curve; (11) thence Northeasterly, along the arc of said curve to the right, through a central angle of 00°37'41", having a radius of 1139.92 feet, for an arc distance of 12.49 feet which chord bear N 02°33'56" E to a point; (12) thence N 89°44'37" E, for a distance of 2.00 feet to a point of curvature of a circular curve; (13) thence Northeasterly, along the arc of said curve to the right, through a central angle of 08°22'25", having a radius of 1137.92 feet, for an arc distance of 166.30 feet which chord bear N 07°04'00" E to a point of compound curvature of a circular curve; (14) thence Northeasterly, along the arc of said curve to the right, through a central angle of 04°42'45", having a radius of 1137.92 feet, for an arc distance of 93.59 feet which chord bear N 07°04'18" E to a point; (15) thence N 21°57'23" E, for a distance of 408.87 feet to a point of curvature of a circular curve; (16) thence Northeasterly, along the arc of said curve to the right, through a central angle of 59°59'37", having a radius of 185.00 feet, for an arc distance of 193.71 feet which chord bear N 51°57'11" E to a point; (17) thence N 81°57'00" E, for a distance of 170.43 feet to a point of curvature of a circular curve; (18) thence Northeasterly, along the arc of said curve to the right, through a central angle of 04°14'34", having a radius of 2809.93 feet, for an arc distance of 208.08 feet which chord bear S 82°46'58" E to a point; thence N 09°20'19" E, leaving said Southwesterly Limited access Right-of-Way line for a distance of 116.37 feet to a point of intersection with the Northeasterly Limited Access Right of Way line of SR 934 as shown on the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87080-2515 dated September 11, 2000 for the following ten (10) courses and distances; (1) thence S 68°44'39" E, for a distance of 31.66 feet to a point of curvature of a circular curve; (2) thence Southeasterly, along

the arc of said curve to the right, through a central angle of $05^{\circ}27'58''$, having a radius of 2919.93 feet, for an arc distance of 278.56 feet which chord bear $S 77^{\circ}19'14'' E$ to a point; (3) thence $N 89^{\circ}44'01'' E$, for a distance of 92.11 feet; (4) thence $S 76^{\circ}17'16'' E$, for a distance of 109.70 feet; (5) thence $S 76^{\circ}15'59'' E$, for a distance of 91.90 feet; (6) thence $S 63^{\circ}55'18'' E$, for a distance of 55.79 feet; (7) thence $S 76^{\circ}15'59'' E$, for a distance of 115.39 feet to a point of curvature of a circular curve; (8) thence Southeasterly, along the arc of said curve to the left, through a central angle of $13^{\circ}59'59''$, having a radius of 2809.92 feet, for an arc distance of 686.58 feet which chord bear $S 83^{\circ}15'58'' E$ to a point; (9) thence $N 89^{\circ}44'01'' E$, for a distance of 228.65 feet; (10) thence continue $N 89^{\circ}44'01'' E$, for a distance of 91.04 feet to the point of intersection with the centerline of NW 72 Avenue being also the West line of the Northeast 1/4 of said Section 14; thence $N 01^{\circ}42'47'' W$, along the centerline of NW 72 Avenue to a point of intersection with a line 30 feet North of and parallel to the North line of the Northeast 1/4 of said Section 14 being also the North right of way line of NW 74 Street and the South Municipal Limits of the Town of Medley, for a distance of 255.09 feet; thence $N 89^{\circ}44'01'' E$, along said North right of way line of NW 74 Street for a distance of 2640.01 feet to a point of intersection with the East line of the Southeast 1/4 of said Section 11; thence $N 01^{\circ}47'48'' W$, for a distance of 221.68 feet to a point of intersection with the centerline of the Miami Canal C-6 being also the City of Hialeah Limits; thence $S 50^{\circ}52'49'' E$, for a distance of 838.38 feet to a point of intersection with the centerline of the Florida East Coast Railroad formerly known as the Original Main Line Track of the MIAMI BELT LINE RIGHT OF WAY AND TRACK MAP of the Florida East Coast Railway Company Flagler Division dated December 31, 1932; thence $S 55^{\circ}22'21'' W$, for a distance of 755.50 feet to a point of intersection with the East line of the Northeast 1/4 of said Section 14; thence $N 01^{\circ}41'44'' W$, leaving the centerline of the Florida East Coast Railroad, along the East line of the Northeast 1/4 of said Section 14, for a distance of 258.97 feet to a point of intersection with the Northerly boundary of the Florida East Coast property recorded in Official Record Book 28937 at Page 2904; thence for the following five (5) courses and distances; (1) thence $S 85^{\circ}29'48'' W$, for a distance of 200.17 feet to a point of curvature of a circular curve; (2) thence Northwesterly, along the arc of said curve to the right, through a central angle of $10^{\circ}21'44''$, having a radius of 600.00 feet, for an arc distance of 108.51 feet to a point; (3) thence $N 84^{\circ}08'28'' W$, for a distance of 326.53 feet; (4) thence $S 78^{\circ}43'43'' W$, for a distance of 219.56 feet; (5) thence $S 89^{\circ}44'01'' W$, for a distance of 356.40 feet to a point of intersection with the Southerly boundary of the Florida East

Coast property recorded in Official Record Book 26141 at Page 2217; thence for the following five (10) courses and distances; (1) thence N 22°27'59" W, for a distance of 98.11 feet to a point (2) thence N 89°03'28" W, for a distance of 62.38 feet to a point of curvature of a circular curve; (3) thence Southwesterly, along the arc of said curve to the right, through a central angle of 38°22'29", having a radius of 46.84 feet, for an arc distance of 31.37 feet which chord bear S 28°30'15" W to a point; (4) thence S 16°37'56" E, for a distance of 895.01 feet to a point; (5) thence S 11°26'53" W, for a distance of 777.32 feet to a point; (6) thence S 01°42'04" E, for a distance of 3254.97 feet to a point; (7) thence S 89°41'05" W, for a distance of 43.72 feet to a point; (8) thence S 01°37'10" E, for a distance of 5294.10 feet to a point; (9) thence S 89°13'13" W, for a distance of 20.52 feet to a point; (10) thence S 01°29'17" E, for a distance of 990.27 feet to a **POINT OF BEGINNING**.

The annexation of this annexation area was requested by the City in City Ordinance No. 1090-2017, adopted by the City, which ordinance is attached hereto as Exhibit A for informational purposes only. A map depicting the annexation area, as set forth in this ordinance, 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 and the map identified as Exhibit B, the boundaries of the annexation area as described by the legal description in this ordinance shall prevail.

Section 3. 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 4. 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 that provides for disposal services in substantially the form approved by County Resolution No. R-1198-95.

Section 5. Pursuant to section 20-8.8 of the Code, this ordinance shall be effective only upon the condition and with the reservation that 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 6. Pursuant to section 20-8.6 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall retain regulatory jurisdiction over Areas and Facilities of Countywide Significance as designated by the Board, including the following: (1) the areas shown as Areas or Facilities of Countywide Significance on the map attached as Exhibit B; (2) the Turner Guilford Knight Correctional Center (7000 NW 41st Street); (3) the Miami-Dade Water and Sewer Department (WASD) storage yard (7301 NW 70th Street); (4) the WASD Medley Hydrant Shop and Office (7300 NW 74th Street); (5) the WASD Pump Stations 1095, 0182, 0194, 0197, 0192, and 0193; and (6) the Miami-Dade Transit Lehman Operations and Maintenance Center (6601 NW 72nd Avenue), currently identified by Folio Numbers 30-3014-031-0010 and 30-3014-031-0020.

Section 7. Pursuant to section 20-8.5 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the City shall pay to the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$153,276.47 per year through the end of calendar year 2029.

Section 8. The City shall execute a duly authorized Interlocal Agreement acceptable to the County wherein it agrees, among other things, to the requirements referenced in sections 3, 4, 5, 6, and 7 above. The City has represented that it will enter into said Interlocal Agreement with the County, substantially in the form included in County Resolution No. R-_____, (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 9. This ordinance hereby waives the provisions of section 20-28 of the Code which would require the City to pay mitigation with respect to CBI areas and also waives County Resolution No. R-605-22 with respect to requiring the City to pay mitigation to the County in connection with this annexation

Section 10. 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 11. 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 12. 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 County Resolution No. R-_____, and that such Interlocal Agreement remain in effect.

Section 13. 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 County Resolution No. R-_____.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Abbie Schwaderer-Raurell
James Eddie Kirtley
Monica Rizo Perez

Prime Sponsor: Commissioner Rebeca Sosa

Exhibit A to Ordinance

ORDINANCE NO. 1090 -- 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, RECONFIRMING ITS INTENTIONS CONSISTENT WITH CITY ORDINANCES NO. 900-2003, 912-2004, AND 977-2009 AND RESOLUTION 2002-3204 AND CONTINUING ITS EFFORTS IN INITIATING AND REQUESTING A BOUNDARY CHANGE TO THE CITY OF MIAMI SPRINGS BY ANNEXATION OF CERTAIN IDENTIFIED AND SPECIFIED CONTIGUOUS AND ADJACENT UNINCORPORATED AREAS OF MIAMI-DADE COUNTY LEGALLY DESCRIBED AS PORTIONS OF SECTIONS 14, 23, AND 26; REQUESTING APPROVAL OF THE ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE MAYOR, CITY MANAGER, CITY CLERK, AND CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT THE SUBJECT BOUNDARY CHANGES TO THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; AUTHORIZING TRANSMITTAL OF THIS ORDINANCE AND ACCOMPANYING DOCUMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Miami Springs (the "City") previously authorized and approved Ordinances No. 900-2003, 912-2004, and 977-2009 and Resolution No. 2002-3204, all of which notified Miami-Dade County of the City's interest in the annexation of certain contiguous and adjacent unincorporated areas of the county; and,

WHEREAS, at that time the City contracted with The Corradino Group to investigate and prepare a report on the feasibility and appropriateness of the City annexing the subject contiguous and adjacent unincorporated areas of the county identified in Resolution No. 2002-3204; and,

WHEREAS, the City previously received, reviewed and discussed the City of Miami Springs Annexation Report received from The Corradino Group; and,

WHEREAS, pursuant to state law, municipalities located within the boundaries of Miami-Dade County are required to comply with the annexation procedures and requirements established by Miami-Dade County; and,

Exhibit A to Ordinance

WHEREAS, Section 5.04 of the Home Rule Charter of Miami-Dade County authorizes and empowers the Board of County Commissioners of Miami-Dade County to effect boundary changes through the annexation process upon the request of a municipality; and,

WHEREAS, Section 20-3 of the Miami-Dade County Code of Ordinances specifies the procedures and requirements that must be complied with by a municipality wishing to initiate a boundary change by the annexation process with the county; and,

WHEREAS, in 2003, the City Council of the City of Miami Springs determined that it was desirous of changing its municipal boundaries by the addition of certain contiguous and adjacent unincorporated areas of the county through the utilization of the county annexation process by and through the enactment of Ordinance No. 900-2003 on July 14, 2003; and,

WHEREAS, following the enactment of Ordinance No. 900-2003, the City determined that certain lands sought for annexation therein and thereby should no longer be annexed by the City; and,

WHEREAS, at that time, the City was also desirous of correcting certain inconsistencies and conflicts, and complying with certain requirements noted by Miami-Dade County in its review of the City's application for annexation filed in conjunction with Ordinance No. 900-2003; and,

WHEREAS, in an effort to present the County with a more concise and accurate application, the City determined that it was then appropriate to again follow, and comply with, the ordinance and application processes required for the filing of a new annexation application instead of amending the presently pending application; and,

WHEREAS, the City attached thereto, as Exhibit "A", the legal description of those unincorporated areas of the county being sought for the proposed boundary change through the annexation process and a map, attached as Exhibit "B", which depicted and more graphically identified the unincorporated areas of the county sought for annexation by the City; and,

WHEREAS, City of Miami Springs Charter Section 2.02 requires and mandates that any proposed annexation by the City must be authorized by ordinance; and,

WHEREAS, in the process of enactment of ordinance No. 912-2004, the City complied with all city requirements for enactment and the notice and public hearing requirements mandated by Miami-Dade County Code of Ordinance Section 20-3; and,

WHEREAS, that in addition to the foregoing, the City previously accomplished all threshold requirements mandated by county ordinance for the initiation of boundary

Exhibit A to Ordinance

change/annexation proceedings and was prepared to comply with all the requirements of Code of Ordinance Section 20-3 and all other code requirements and procedures of Miami-Dade County for annexation; and,

WHEREAS, the City was prepared to address the fiscal impacts of its proposed annexation with the appropriate county officials and the Board of County Commissioners and believed that the proposed annexation was both proper and appropriate and consistent with the policy of Miami-Dade County to provide balance in the annexation process between those municipalities which are primarily residential and those which are predominantly industrial and commercial; and,

WHEREAS, the City Council of the City of Miami Springs determined that it was both proper and appropriate, and in the best interests of the City and its citizens, to secure the requested boundary change through the annexation process with Miami-Dade County by the enactment of City ordinance No. 912-2004; and,

WHEREAS, since the enactment of ordinance No. 912-2004, the City participated in County mandated conferences with the Village of Virginia Gardens, Town of Medley and City of Doral in an effort to secure joint approval of the annexation boundary lines for each of the four cities; and,

WHEREAS, following many conferences, meetings, discussions, and an "ex parte session" with county officials, the four (4) cities were finally able to agree on the annexation boundary lines to be provided to the County; and,

WHEREAS, it was mutually agreed by the four (4) cities and the county, that each city would only be required to file amended annexation applications instead of starting the process from the beginning; and,

WHEREAS, the city re-hired The Corradino Group to update its annexation report previously provided to the city and to amend the city's pending annexation application with the county; and,

WHEREAS, the City Council continued to conduct discussion and debate on annexation at its City Council meetings, conducted a Special Meeting for the purpose of presenting the updated annexation report by The Corradino Group, and called a Special City Election for citizens to vote on the pending annexation (copies of the ballot question and diagram of the proposed annexation area are attached hereto for reference); and,

WHEREAS, the City Council adopted Resolution No. 2009-3437 on March 16, 2009, which supported the pending annexation by the City and the citizens of Miami Springs authorized and approved the City's proposed annexation by a margin of 76.09% for and 23.91% against (a copy of the ballot tabulation sheet is attached hereto for reference) at the city's Special Election of April 7, 2009; and,

Exhibit A to Ordinance

WHEREAS, the Miami-Dade Commission did not hear the application at the time; and,

WHEREAS, the Cities of Miami Springs and Doral, the Village of Virginia Gardens and the Town of Medley have met in order to re-initiate the annexation process for each municipality; and,

WHEREAS, the City has hired Calvin Giordano & Associates to update the annexation report and to amend the city's pending annexation application with the county; and,

WHEREAS, in light of all the foregoing acts and actions taken by the city in the investigation of annexation, the currently updated city annexation report and amended annexation application, the City Council has determined, that is both proper and appropriate and in the best interests of the City and its citizens, to enact this ordinance to comply with the City Charter and the annexation procedures of Miami-Dade County, and to secure the requested boundary change through the annexation process with Miami-Dade County:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Confirmed Position. The City Council hereby reconfirms its intentions, consistent with Ordinances No. 900-2003, 912-2004, and 977-2009 and Resolution 2002-3204, to extend and enlarge of the City's boundaries to include portions Sections 14, 23, and 26 in Miami-Dade County, Florida, further described in Exhibit "A",

Section 3. Authorization. The City Council of the City of Miami Springs hereby authorizes and approves the boundary change and annexation proposed in this Ordinance and the corresponding amendment of the legal description of the City contained in the Charter of the City of Miami Springs to reflect the addition of the contiguous and adjacent unincorporated areas of Miami-Dade County acquired through the annexation process which are more particularly described in the legal description and map attached hereto as Exhibits "A" and "B" respectively.

Section 4. Request for Approval. The City Council of the City of Miami Springs hereby requests the Board of County Commissioners of Miami-Dade County, Florida, to adopt an appropriate ordinance granting the request of the City of Miami Springs for the annexation of the contiguous and adjacent unincorporated areas of Miami-Dade County identified in Exhibits "A" and "B" attached hereto, and by so doing,

Exhibit A to Ordinance

authorize the amendment and enlargement of the municipal boundaries of the City of Miami Springs.

Section 5. Implementation. The City Manager, City Clerk and City Attorney are hereby authorized and directed to perform any and all actions as may be deemed necessary or desirable to reinstate and continue the boundary change procedure in accordance with Chapter 20 of the Code of Miami-Dade County and submit the annexation proposed herein to the Board of County Commissioners of Miami-Dade County for their consideration and other implement the purpose and provision of this Resolution

Section 6. Transmittal. The City Clerk is hereby authorized and directed to transmit three (3) duly certified copies of this Ordinance, including the exhibits attached hereto, together with proof of compliance of the notice requirements set forth in Miami-Dade County Ordinance Section 20-3, accompanied by all other documentation and information required by the aforesaid Code Section to Miami-Dade County.

Section 7. Conflicts. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent that they conflict with the intent and provisions of this Ordinance.

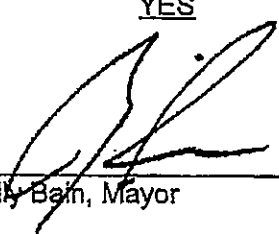
Section 8. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this 12th day of June, 2017, on a motion made by Vice Mayor Best and seconded by Councilman Petralanda.

PASSED AND ADOPTED ON SECOND READING this 26th day of June, 2017, on a motion made by Vice Mayor Best and seconded by Councilman Petralanda.

Vice Mayor Bob Best
Councilwoman Maria Mitchell
Councilwoman Mara Zapata
Councilman Jaime Petralanda
Mayor Billy Bain

YES
YES
YES
YES
YES



Billy Bain, Mayor

Exhibit A to Ordinance

ATTEST:


Erika Gonzalez-Santamaria, MMC
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Weiss Serota Heiman Cole & Bierman, P.L., City Attorney

First reading: 06/12/17
Second reading: 06/26/2017

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

Exhibit A to Ordinance

EXHIBIT "A"

Legal Description

A portion of sections 14, 23 and 26, lying in township 53 south, range 40 east, all lying and being in Miami-Dade County, Florida, as it is more particularly described to wit;

Begin at the northeast corner of section 26, township 53 south, range 40 east; thence southerly along the east line of said section 26 to a point, said point being the intersection of the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 and the east line of said section 26; thence westerly along the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 to the intersection of the southerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2516; thence northerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map sections 87260-2516 and 87260-2517 to the intersection of the north line of section 23, township 53 south, range 40 east and the northerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2517; thence easterly along the south line of said section 23 to a point, said point being the intersection of the southerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2517 and the south line of said section 23, thence continue northerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map sections 87260-2517 and 87260-2518 to a point, said point being the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence easterly along the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515 to a point, said point being the intersection of the centerline of NW 74 Avenue and the easterly extension on the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence northerly along the centerline of NW 74 Avenue to a point of intersection with the westerly extension of the southerly right-of-way line of state road 934

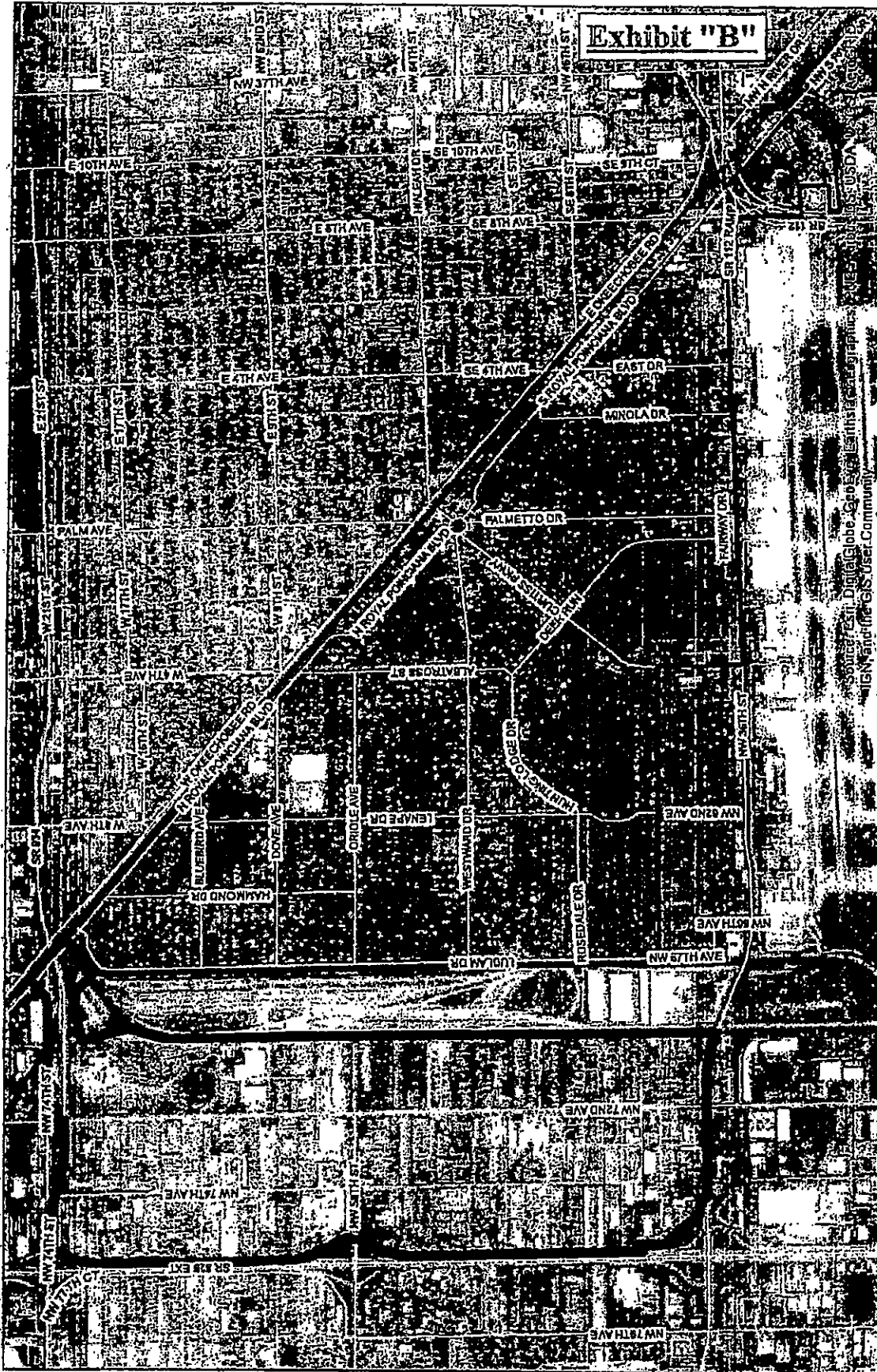
Exhibit A to Ordinance

(Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence continue easterly along the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515 to a point, said point being the intersection of the west line of the NE $\frac{1}{4}$ of section 14, township 53 south, range 40 east and the easterly extension of the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515, thence northerly along the west line of the NE $\frac{1}{4}$ of said section 14, also being the centerline of state road 969 (NW 72 Avenue) to a point of intersection with the easterly extension of the southerly right-of-way line of NW 74 Street as shown on Florida Department of Transportation right-of-way map section 87080-2515, thence easterly along the southerly right-of-way line of NW 74 Street and NW 74 Street extension, said right-of-way line also being 40.00 feet south of and parallel to the north line of the NE $\frac{1}{4}$ of section 14, township 53 south, range 40 east, to a point on the west line of the NW $\frac{1}{4}$ of section 13, township 53 south, range 40 east; thence continue easterly along a line 40.00 feet south of and parallel to the north line of the NW $\frac{1}{4}$ of said section 13 to a point, said point being on the easterly right-of-way line of Royal Poinciana Boulevard; thence southeasterly along the easterly right-of-way line of Royal Poinciana Boulevard to a point, said point being the intersection of the centerline of the Florida East Coast Railroad and the easterly right-of-way line of Royal Poinciana Boulevard; thence southwestwardly along the centerline of the Florida East Coast Railroad, also being the northern city limits of the City of Miami Springs, to a point, said point being on a line 50.00 feet west of and parallel to the west line of section 13, township 53 south, range 40 east and the western city limits of the City of Miami Springs; thence southerly along a line 50.00 feet west of and parallel to west line of sections 13 and 24, township 53 south, range 40 east, to a point, said point being on the south line of the SE $\frac{1}{4}$ of section 23, township 53 south, range 40 east; thence easterly along the south line of the SE $\frac{1}{4}$ of said section 23 to the Point of Beginning.

Excluding all properties known as the FEC Tracts; and, more specifically described as Folios 05-3013-001-0430, 30-3014-001-0170, 30-3014-001-0180, 30-3014-001-0190, 30-3023-001-0100, 30-3023-001-0371, 30-3023-001-0372, 30-3023-001-0373, 30-3023-001-0374, 30-3026-000-0067, 30-3026-000-0068 and 30-3026-000-0069.

Containing 4,334 1.018 acres more or less.

Exhibit A to Ordinance





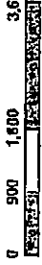
City of Miami Springs

Annexation Area is also described as portions of:
Sections 14, 23, and 26, Township 53, Range 40.

Print Date: 6/19/2017

Cabin, Giordano & Associates, Inc.
PROFESSIONAL ESTIMATOR

0 500 1,000 3,000 Feet
SCALE: 1" = 3,000'

Legend

Boundary

Annexation Area

Major Roads

