

Clerk of the Board
Date and Time Recorder Stamp

Agenda Item No. 2(A)(1)
December 6, 2022

**OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA**

VETO AND VETO MESSAGE

To: Honorable Chairman Jose "Pepe" Diaz and
Members of the Board of County Commissioners
Miami-Dade County, Florida

From: Daniella Levine Cava, Mayor
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 2.02(D) of the Miami-Dade County Home Rule Charter, I hereby veto Ordinance No. 22-150, which was adopted at the November 15, 2022, Board of County Commissioners meeting:

ORDINANCE CHANGING THE BOUNDARIES OF THE TOWN OF MEDLEY, FLORIDA, AND AMENDING THE TOWN'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 MEDLEY SECTION 9, SECTION, 14, SECTION 15, AND SECTION 31 ANNEXATION AREA, WITH APPROXIMATE OUTER BOUNDARIES FOR SECTION 9 ON THE NORTH BY NW 90 STREET, ON THE SOUTH BY NW 74 STREET, ON THE EAST BY NW 87 AVENUE, AND ON THE WEST BY NW 97 AVENUE; FOR SECTION 14 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY STATE ROAD 934, ON THE EAST BY NW 72 AVENUE, AND ON THE WEST BY STATE ROAD 826 EXTENSION; FOR SECTION 15 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY NW 64 STREET, ON THE EAST BY STATE ROAD 826 EXTENSION, AND ON THE WEST BY NW 87 AVENUE; AND FOR SECTION 31 ON THE NORTH BY NW 122 STREET, ON THE SOUTH BY NW 106 STREET, ON THE EAST BY THE FLORIDA TURNPIKE, AND ON THE WEST BY NW 107 AVENUE; PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF CERTAIN OUTSTANDING DEBT SERVICE

ATTRIBUTABLE TO THE ANNEXATION AREA; WAIVING THE PROVISIONS OF RESOLUTION NO. R-623-22 WITH RESPECT TO REQUIRING THE TOWN 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

VETO MESSAGE

On November 15, 2022, the Board of County Commissioners (Board) passed Ordinance No. 22-150 creating an annexation area for the community of Medley.

Let me first be clear that I support the right of communities for self-determination. At the same time, it's critical that as we plan for the future of Miami-Dade, we put in place policies that are equitable for all residents and that will ensure thriving communities now and in the long term.

Over time, the cumulative effect of many annexations will result in a negative fiscal impact on the Unincorporated Municipal Service Area (UMSA), home to over 1.2 million of Miami-Dade's total 2.7 million residents. This impact to the budget will ultimately require the County to adjust vital public safety services – which the UMSA budget largely goes to support – or to increase the millage rate for taxpayers of UMSA. Annexations of primarily industrial and commercial areas mean that less well-off areas remaining within UMSA will require more County services and funding to compensate for revenue loss.


This is precisely why the Board adopted policies to safeguard the unincorporated area – including mitigation, a key tool to ensure that annexations in one area don't create an undue burden on taxpayers elsewhere or negatively impact services. For some of these annexation areas, the current Code requires mitigation be paid, and the Code allows the Board to require mitigation for annexation areas that generate revenues equal to or less than the cost of services provided to the area by the County. **My administration strongly recommended that should the Board desire to approve these annexations, the ordinances be amended to include mitigation for seven years – consistent with the Board's policies and as other cities seeking annexation have done in the past.** The cities seeking annexation will significantly increase their tax base, funds that can support paying their fair share. But failing to include mitigation will create a precedent for future areas seeking to annex that will continue to contribute to the erosion of UMSA resources and could impact our essential County services.

CLOSING

Without mitigation – essential to ensure that the creation of new cities doesn't lead to negative impacts or higher taxes for residents elsewhere – I cannot support these annexation proposals and must veto in order to protect all our taxpayers. Further details prepared by staff outlining important analyses on impacts and annexation policies are attached. I look forward to continuing to work with the Board to develop plans and policies that will guide our community into the future and that equitably serve all our residents.

Date: November 14, 2022

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

From: Daniella Levine Cava
County Mayor 

Subject: Annexations and the Unincorporated Municipal Service Area

The issue of annexation and incorporation is complex, and it’s important that we both support the right of communities for self-determination while carefully planning for the future and setting policies that are equitable for all residents across Miami-Dade. While small annexations may not have an immediate impact on Unincorporated Municipal Service Area (UMSA), over time the cumulative effect of many annexations will require the County either to adjust services to the remaining UMSA areas or increase the millage rate. Through mitigation, we can help ensure that the creation of new cities doesn’t lead to negative impacts for the residents of UMSA – either higher taxes or reduced services. Should the Board desire to approve these annexations, I recommend that mitigation be a consideration to offset some of the revenue loss to UMSA.

I look forward to continuing to work with the Board as we consider the future composition of the County that best serves all our residents.

Background

The State Constitution grants the Board of County Commissioners (Board) with the power to change the boundaries of municipalities and other municipal corporations through the home rule charter (Charter). Upon adoption of the Charter by the voters, the Board was given the authority, under Section 6.05, to create new cities; prior to the establishment of Metro government in 1957, this was completely governed by state law.

The Charter provides that the Board may create a new city after receiving a recommendation from the Planning Advisory Board (PAB), after a public hearing, and after approval of the majority of the voting electors in the proposed new municipality. The process for Board and PAB review and approval of municipal boundary changes – annexations and incorporations – is outlined in the Miami-Dade County Code of Ordinances (Code), Chapter 20. At the time the Charter was adopted, there were 26 cities in Miami-Dade County, which comprised 65 percent of the County’s total population. Today there are 34 cities (inclusive of Islandia’s dissolution) with approximately 56 percent of the total population.

This subject has been carefully analyzed and discussed over the years. Since the early 1990s, several reports and various committees have made recommendations regarding incorporation and annexation policies. Over the years, the Board has adopted legislation to change and better define the way incorporations and annexations occur in the County, and on April 3, 2012, the Board voted to lift the moratorium on incorporation.

On February 27, 2014, the Board adopted Resolution No. R-186-14, directing the Mayor to prepare a report and recommendations related to annexation and incorporation. On November 5, 2014, the Board adopted Resolution No. R-972-14, approving an agreement with PMG Associates, Inc. (PMG) to provide the Board recommendations for annexation and incorporation in UMSA. The PMG report was issued in October of 2015. On March 31, 2016, the Board

scheduled a Special Meeting to discuss the PMG report, where very few changes to the process resulted.

For the Board's reference, the following are some of the reports that have been prepared by staff, task forces, and consultants:

- Touche Ross Recommendations; A Report on Two-tier Government June 12, 1978
- 1982 County Charter Review Commission Recommendations; January 1, 1982
- *Citizen's Charter Review Committee on the Dade County Charter; Final Recommendations; April 1, 1986*
- Dade County Citizen's Advisory Committee on Countywide Incorporation; Final Recommendations; February 1992
- Citizen's Task Force on Incorporation; Final Recommendations; June 1994
- Planning Department Report: Issues Related to Incorporation; November 4, 1994
- County Manager's Report on Incorporation; Recommendations; June 6, 1995
- Planning Advisory Board Resolution on Incorporation; Recommendations; June 21, 1995
- Boundaries Commission Report on Incorporation Issues; May 1996
- Revenue Sharing Taskforce Recommendations; July 22, 1997
- County Manager's Report on Recommended Incorporation Policies; April 12, 1999
- Incorporation and Annexation Report and Policy Recommendations; July 12, 2001
- County Manager's Incorporation and Annexation Policy Recommendations; February 25, 2002
- Board of County Commissioners Incorporation and Annexation Subcommittee; October 14, 2004
- Report on Incorporation and Annexation; June 2006
- Mitigation Adjustment Policy Review Task Force; July 11, 2006
- Report on Interest of Municipalities to Annex Neighboring MAC Areas; December 11, 2007
- Charter Review Task Force; January 29, 2008
- Comprehensive Accounting of the Unincorporated Municipal Service Area; February 14, 2014
- Comprehensive Analysis of the Unincorporated Municipal Service Area; February 24, 2014
- Analysis of incorporation and Annexation within the Unincorporated Areas; October 2015

Each of these reports is available on our website at:

www.miamidade.gov/global/management/incorporation-annexation-reports.page

Mitigation

Since the adoption of the Home Rule Charter until the 1990s, no incorporations and very few annexations took place. In 1991, Key Biscayne incorporated followed by Aventura, Sunny Isles Beach and Pinecrest during the 1990s; all wealthy donor areas within UMSA. It became apparent that wealthy areas of UMSA were incorporating and these revenues were no longer available to provide UMSA services. As a result, it became increasingly clear that if the annexations and incorporations continued among wealthy areas, UMSA would require continuing increases to the millage rate in order to provide residents with the same level of service.

To address this concern, the Board adopted several policies to safeguard UMSA, where a municipality or proposed municipality would mitigate some of the negative impact to UMSA if they chose to annex or incorporate a particular area. Miami Lakes, Palmetto Bay, and Doral were all donor areas, and as such all agreed to incorporate and configure their cities with the understanding that mitigation payments would be part of the incorporation. Miami Gardens and Cutler Bay were revenue-neutral and therefore were not required to make mitigation payments. Additionally, several annexations were also required to mitigate their respective impact on UMSA. The agreements negotiated as part of these incorporations required mitigation payments in perpetuity. In 2008 the Board allowed the municipalities of Miami Lakes, Doral and Palmetto Bay to phase out the payments after seven years. Additionally, the Board also phased out mitigation payments for annexations in the same format. Since 2000 the Board has approved 5 incorporations and 20 annexations; three of the incorporations and five of the annexations required mitigation payments.

During the public hearing for these annexations, it was mentioned that there were annexations that were not required to mitigate their negative effects on UMSA. The Miami Gardens annexation, approved in December of 2021, was not required to pay mitigation, as the area being annexed did not negatively impact UMSA – the expenses attributable to the area were less than the area’s estimated revenues. The Sweetwater annexation in October 2021 was also not required to pay mitigation. The Code allows for an exemption in the case of an annexing municipality’s per capita taxable value being less than the average per capita taxable value in the County, and as a result of the City of Sweetwater’s low per capita taxable value, mitigation was not required. Both Medley and Virginia Gardens have an above average per capita taxable value.

Property Owners

The Code requires an election if there are 250 registered voters or if the area is developed 50 percent residential. These areas being considered by the Board (Medley and Virginia Gardens annexations) are entirely commercial/industrial and will not require a vote. As previously mentioned by the Board, these business owners only have an opportunity to voice their concerns at the public hearings as these items are considered. Additionally, the residents of UMSA – who are also impacted by these annexations – do not have an opportunity to vote on whether the area should be removed.

Fiscal Impact

While small annexations may not have an immediate impact on UMSA, over time these annexations will require the Board to either adjust services to the remaining UMSA areas or increase the millage rate. Although UMSA has been blessed with very good growth, should these annexations of high value areas continue, there will come a point where it will no longer be feasible to have an unincorporated area.

The Medley annexation area’s 2021 preliminary roll taxable value for Sections 9, 14, 15, and 31 was \$926,360,291. Those areas generated approximately \$2,053,809 in revenue to UMSA. Miami- Dade County spent an estimated \$1,536,543 in the area for services. Therefore, the net revenue loss to the UMSA budget is an estimated \$517,266 if this annexation is approved. Additionally, the 2022 combined preliminary roll taxable value for sections 9, 14, 15 and 31 is \$1,065,909,661, which is an increase of \$139,549,370, 15 percent from the 2021 preliminary roll. Although the Town has reduced its millage rate by 1.8 percent from 3.9 mills to 3.2 mills, UMSA has also reduced its millage rate by 1 percent to 1.909 from 1.9283. Additionally, if the Town’s millage rate of 3.2 mills is applied to property folios in the sections the average property owner

would pay an additional \$1,913 in Section 9, \$710 in Section 14, \$1,678 in Section 15, and \$15,730 in Section 31.

The Village of Virginia Gardens annexation area 2021 preliminary roll taxable value generates \$2,769,257 in revenue to UMSA. Miami-Dade County spent an estimated \$2,092,784 in the area for services. Therefore, the net revenue loss to the UMSA budget is an estimated \$676,473 if this annexation is approved. Additionally, the 2022 preliminary roll taxable value is \$1,266,663,001, which is an increase of \$73,926,816 from the 2021 preliminary roll. The Village has reduced its millage rate by 1.07% from 4.9 mills to 4.6 mills. UMSA has also reduced its millage rate by 1 percent to 1.909 from 1.9283. Additionally, if the Village's reduced millage rate of 4.6 mills is applied to property folios in the annexation area, the average property owner would pay an additional \$5,516.

The recommendation provided to the Board includes these municipalities providing mitigation payments to the County for seven years. It is important to note that when these annexations were being considered in 2013, mitigation was recommended at that time.

- c: Geri Bonzon-Keenan, County Attorney
- Gerald Sanchez, First Assistant County Attorney
- Jess McCarty, Executive Assistant County Attorney
- Office of the Mayor Senior Staff
- David Clodfelter, Director, Office of Management and Budget
- Jorge Fernandez, Deputy Director, Office of Management and Budget
- Yinka Majekodunmi, Commission Auditor
- Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
- Basia Pruna, Director, Clerk of the Board

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing 11-15-22)
November 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance changing the boundaries of the Town of Medley, Florida, and amending the town'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 Medley Section 9, Section, 14, Section 15, and Section 31 Annexation Area, with approximate outer boundaries for Section 9 on the north by NW 90 Street, on the south by NW 74 Street, on the east by NW 87 Avenue, and on the west by NW 97 Avenue; for Section 14 on the north by NW 74 Street, on the south by State Road 934, on the east by NW 72 Avenue, and on the west by State Road 826 Extension; for Section 15 on the north by NW 74 Street, on the south by NW 64 Street, on the east by State Road 826 Extension, and on the west by NW 87 Avenue; and for Section 31 on the north by NW 122 Street, on the south by NW 106 Street, on the east by the Florida Turnpike, and on the west by NW 107 Avenue; providing for reservation to the County of utility tax revenues; providing for County retention of residential garbage and refuse collection and disposal unless certain circumstances occur; requiring payment of certain outstanding debt service attributable to the annexation area; waiving the provisions of Resolution No. R-623-22 with respect to requiring the Town 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

Ordinance No. 22-150

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC008



MEMORANDUM
(Revised)

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

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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 11/21/2022 *JM* E212041
Override _____

Agenda Item No. 5(A)
11-15-22

ORDINANCE NO. 22-150

ORDINANCE CHANGING THE BOUNDARIES OF THE TOWN OF MEDLEY, FLORIDA, AND AMENDING THE TOWN'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 MEDLEY SECTION 9, SECTION, 14, SECTION 15, AND SECTION 31 ANNEXATION AREA, WITH APPROXIMATE OUTER BOUNDARIES FOR SECTION 9 ON THE NORTH BY NW 90 STREET, ON THE SOUTH BY NW 74 STREET, ON THE EAST BY NW 87 AVENUE, AND ON THE WEST BY NW 97 AVENUE; FOR SECTION 14 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY STATE ROAD 934, ON THE EAST BY NW 72 AVENUE, AND ON THE WEST BY STATE ROAD 826 EXTENSION; FOR SECTION 15 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY NW 64 STREET, ON THE EAST BY STATE ROAD 826 EXTENSION, AND ON THE WEST BY NW 87 AVENUE; AND FOR SECTION 31 ON THE NORTH BY NW 122 STREET, ON THE SOUTH BY NW 106 STREET, ON THE EAST BY THE FLORIDA TURNPIKE, AND ON THE WEST BY NW 107 AVENUE; PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF CERTAIN OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; WAIVING THE PROVISIONS OF RESOLUTION NO. R-623-22 WITH RESPECT TO REQUIRING THE TOWN 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 March 3, 2017, the Town of Medley (“Town”) submitted an application for the annexation of the unincorporated area referred to in the Town’s application as the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area, contiguous to the Town; and

WHEREAS, on July 7, 2022, the Board adopted County Resolution No. R-623-22 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 Town of Medley be required to pay mitigation to the County in connection with this annexation; however, during the consideration of County Resolution No. R-623-22, there was discussion by the Board about not requiring mitigation if the Town reduced its millage rate; and

WHEREAS, in the Town’s most recent budget, the Town did reduce its millage rate; and

WHEREAS, this ordinance waives County Resolution No. R-623-22 with respect to requiring the Town of Medley to pay mitigation to the County in connection with this annexation; and

WHEREAS, the Town’s application for the Medley Section 9, Section 14, Section 15, and Section 31 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 Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area by the Town 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 Medley Section 9, Section 14, Section 15, and Section 31 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 Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area or any portion thereof; and

WHEREAS, this Board wishes to change the boundaries of the Town 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 Town of Medley (“Town”) are hereby changed, extended and enlarged, and the Town’s charter is hereby amended by the annexation to the Town of the following property (the “annexation area”):

Annexation by the Town of Medley

Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area

Legal Description

MDC012

All of Section 31, Township 52 South Range 40 East, as situated within Miami-Dade County, Florida.

Containing approximately 639 acres more or less.

TOGETHER WITH:

All of Section 9, Township 53 South, Range 40 East, of Miami-Dade County, Florida, LESS the North 230.80 feet thereof, and LESS Tracts 46, 47, and 57 all of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, (said North 230.80 feet, along with Tracts 46, 47 and 57 being already within the municipal boundary of the Town of Medley).

Containing approximately 583 acres more or less.

TOGETHER WITH:

A portion of Sections 11, and 14, Township 53 South, Range 40 East, of Miami-Dade County, Florida, being more particularly described as follows:

A parcel of land being a portion of Tracts 63, 64, 65, and 66, AMENDED PLAT OF SECTION 14, TOWNSHIP 53 SOUTH, RANGE 40 EAST, according to the plat thereof as recorded in Plat Book 8, Page 16, of the Public Records of Miami-Dade County, Florida and all of Tract "A", ANIMAL GENERAL HOSPITAL, according to the plat thereof as recorded in Plat Book 95, Page 15, of the Public Records of Miami-Dade County, Florida; said parcel being bounded on the North by the North right of way line of N.W. 74th Street, as shown on Florida Department of Transportation Right-of-Way Map for State Road 934 (Hialeah Expressway) Section 87080-2515; bounded on the East by the centerline of right-of-way of N.W. 72nd Avenue; bounded on the South by the North Limited Access Right-of-Way line of State Road 934 (Hialeah Expressway), as shown on said Right-of-Way Map for State Road 934; and bounded on the West by the point of intersection of the North Limited Access Right-of-Way line of State Road 934 (Hialeah Expressway) and the Westerly extension of the North Right-of-Way line of N.W. 74th Street. Containing approximately 6.88 acres more or less.

TOGETHER WITH:

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the NW corner of said Section 15, also being a point of intersection of the centerline of NW 87th Avenue and the centerline of NW 74th Street; thence Easterly along the North line of said Section 15, and the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; thence Southerly along the said centerline of NW 84th Avenue to the point of intersection with the westerly extension of the centerline of NW 71th Street; thence Easterly along the said westerly extension of the centerline of NW 71th Street to the point of intersection with the centerline of NW 82nd Avenue; thence Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly extension of the centerline of NW 72nd Street; thence Easterly along the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW

79th Avenue; thence Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline NW 73rd Street; thence Easterly along the Westerly extension of the centerline of NW 73rd Street to the point of intersection with the West Limited Access right-of-way line of Palmetto Expressway (State Road 826) as depicted on Right-of-Way Monumentation Map for State Road 826 Section 87260-2518, recorded in Road Plat Book 152, at Page 67 of the Public Records of Miami-Dade County, Florida; thence Southerly along the said Westerly Limited Access right-of-way line of State Road 826 to the point of intersection with the centerline of NW 64th Street; thence Westerly along the said centerline of NW 64th Street, and the municipal boundary of the City of Doral, to the point of intersection with the West line of said Section 15, also being the centerline of NW 87th Avenue; thence Northerly along the said centerline of NW 87th Avenue, and the municipal boundary of the City of Doral, to the POINT OF BEGINNING.

Containing approximately 332.70 acres more or less.

Said lands situated within Miami-Dade County, Florida and containing a total of 1,561.58 acres more or less.

The annexation of this annexation area was requested by the Town in Town Resolution No. C-1459 and Town Resolution No. C-1738, adopted by the Town, which resolutions are 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 C, which is attached hereto and made a part hereof by reference; (2) the Miami-Dade County Water and Sewer Department (“WASD”) facilities located at 7300 NW 74th Street, currently identified as Folio No. 30-3014-010-0520; (3) and the WASD facilities located at 7301 NW 70th Street, currently identified as Folio No. 30-3014-010-0510.

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 Town shall pay to the County the annexation area’s prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$86,757.86 per year through the end of calendar year 2029.

Section 8. The Town 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 Town has represented that it will enter into said Interlocal Agreement with the County, substantially in the form included in County Resolution No. R-1119-22, (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 County Resolution No. R-623-22 with respect to requiring the Town of Medley 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 Town and the County execute the Interlocal Agreement, substantially in the form included in County Resolution No. R-1119-22, 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 Town and the County of the Interlocal Agreement, substantially in the form included in County Resolution No. R- 1119-22.

PASSED AND ADOPTED:

November 15, 2022

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell
James Eddie Kirtley
Monica Rizo Perez

Prime Sponsor: Chairman Jose "Pepe" Diaz

Exhibit A to Ordinance

RESOLUTION C-1738

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, AMENDING ITS CONTINUED AND REVISED ANNEXATION APPLICATION IN ORDER TO MATCH THE ANNEXATION BOUNDARIES OF THE CITY OF DORAL BY CHANGING THE BOUNDARY OF THE TOWN'S ANNEXATION AREA WITHIN SECTION 15, TOWNSHIP 53 SOUTH, RANGE 40 EAST, TO REFLECT THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A" AND DEPICTED IN THE MAP ATTACHED AS EXHIBIT "B"; REQUESTING APPROVAL OF THE AMENDED ANNEXATION APPLICATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE TOWN MAYOR, TOWN ADMINISTRATION AND TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO SUBMIT AND PROCESS THE AMENDED ANNEXATION APPLICATION FOR THE PROPOSED BOUNDARY CHANGES; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Medley, Florida, (the "Town") adopted Resolution C-1459 on February 6, 2017 authorizing the transmittal of its Continued and Revised Annexation Application (the "Annexation Application") to Miami-Dade County (the "County") pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County seeking the annexation of various unincorporated areas of the County; and

WHEREAS, the Annexation Application included certain areas within Section 15, Township 53 South, Range 40 East, in Miami-Dade County ("Section 15"); and

WHEREAS, the City of Doral has filed an amendment to its annexation application for Section 15 which conflicts with the boundaries for Section 15 in the Town's pending Annexation Application, and

Exhibit A to Ordinance

WHEREAS, the Town and the City of Doral have agreed to cooperate and have since reached a mutual agreement as to the proposed annexation boundaries within Section 15, at NW 64th Street, as reflected in the area and legal description attached hereto as Exhibit "A", and depicted on the Map attached hereto as Exhibit "B"; and

WHEREAS, the Town wishes to expeditiously move forward with the amendment to the Section 15 annexation boundaries for the Annexation Application and submit same to the County; and

WHEREAS, public and mailed notices were provided in accordance with applicable law, and on November 4, 2019, the Town Council conducted a duly noticed public hearing and considered the amendment to the boundary of the annexation area in Section 15, and desires to move forward with the submittal of an amended Annexation Application to the County for Section 15; and

WHEREAS, the Town Council finds that the proposed annexation areas and boundaries legally described in Exhibit "A" and depicted on the Map attached hereto as Exhibit "B" for Section 15 and the submittal of the amendment to the Annexation Application to the County are in the best interest of the Town, its residents and existing and proposed property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein.

Section 2. **Approval of Amended Annexation Boundary for Section 15, Township 53 South, Range 40 East.** The Town Council hereby approves an amendment to the Annexation Application to change the boundary of the annexation area in Section 15, Township 53 South, Range 40 East, to reflect the area as legally described in Exhibit "A" attached and depicted in the Map attached as Exhibit "B".

Exhibit A to Ordinance

Section 3. Authorization. The Mayor, Town Administration and Town Attorney are hereby authorized and directed to take any and all actions as may be deemed necessary or desirable to amend the Annexation Application to change the boundary of the annexation area within Section 15, Township 53 South, Range 40 East, as legally described in Exhibit "A" attached hereto and depicted in the Map attached hereto as Exhibit "B", and to submit the amended Annexation Application and all supporting documentation and information to the County in accordance with its amendment procedures for boundary change to annexation applications.

Section 4. Transmittal. The Clerk is hereby authorized and directed to transmit three (3) certified copies of this Resolution, together with proof of compliance with the notice procedures and all accompanying documentation as set forth in Section 20-3 of the County Code, to Miami-Dade County,


Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of November, 2019.




ROBERTO MARTELL, MAYOR

ATTEST:



VICTORIA MARTINEZ, FRP, CMC, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.,
TOWN ATTORNEY

Exhibit A to Ordinance

SUMMARY OF THE VOTE

Mayor Roberto Martell	<u>Yes</u>
Vice-Mayor Edgar Ayala	<u>Yes</u>
Councilperson Ivan Pacheco	<u>Yes</u>
Councilperson Griselia DiGiacomo	<u>Yes</u>
Councilperson Lily Stefano	<u>Yes</u>

Exhibit A to Ordinance

EXHIBIT "A"

LEGAL DESCRIPTION OF AMENDED SECTION 15, TOWNSHIP 53 SOUTH, RANGE 40 EAST, PROPOSED ANNEXATION AREA

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of the West right-of-way line of NW 87th Avenue and the centerline of NW 74th Street; THENCE Easterly along the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; THENCE Southerly along the said centerline of NW 84th Avenue to the point of intersection with the Westerly extension of the centerline of NW 71st Street; THENCE Easterly along the said westerly extension of the centerline of NW 71st Street to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly extension of the centerline of NW 72nd Street; THENCE Easterly along with the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW 79th Avenue; THENCE Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline of NW 73rd Street; THENCE Easterly along the Westerly extension of the Centerline of NW 73rd Street to the point of intersection with the West right-of-way line of State Road 826 (Palmetto Expressway) to the point of intersection with the centerline of NW 64th Street; THENCE Westerly along the said centerline of NW 64th Street to the point of intersection with the West right-of-way line of NW 87th Avenue; THENCE Northerly along the said West right-of-way line of NW 87th Avenue to the POINT OF BEGINNING,

Said lands situated within Miami-Dade County, Florida and containing a total of 330.10

acres more or less.

Exhibit A to Ordinance

EXHIBIT "B"

MAP OF PROPOSED ANNEXATION AREAS

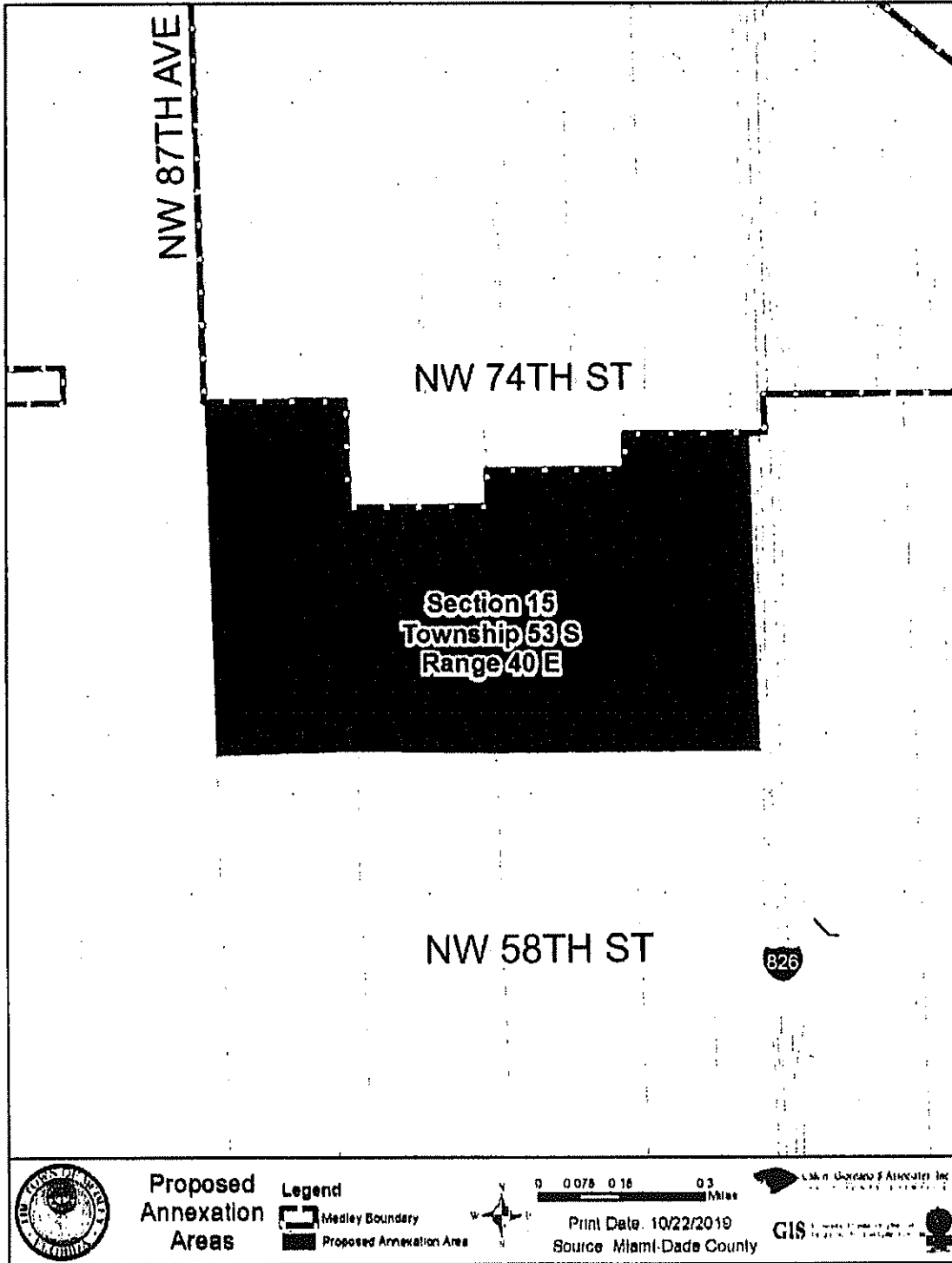


Exhibit A to Ordinance

RESOLUTION C-1459

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, APPROVING AND CONFIRMING ITS INTENT TO MOVE FORWARD WITH ITS CONTINUED AND REVISED ANNEXATION APPLICATION IN ORDER TO ANNEX PROPERTY WITH THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A" AND DEPICTED IN THE MAP ATTACHED AS EXHIBIT "B"; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE TOWN MAYOR, TOWN ADMINISTRATION AND TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO SUBMIT THE REQUEST FOR THE PROPOSED BOUNDARY CHANGES AND CONTINUED AND REVISED ANNEXATION APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County, the Town of Medley, Florida (the "Town") previously submitted annexation applications to Miami-Dade County (the "County") seeking the annexation of various unincorporated areas of the County; and

WHEREAS, the previous annexation applications submitted to the County included certain areas legally described in Exhibit "A" attached hereto and all of Section 15, Township 53 South, Range 40 East, in Miami-Dade County ("Section 15"); and

WHEREAS, the City of Doral had also previously filed overlapping or conflicting applications for Section 15, and

WHEREAS, the Town and the City of Doral have agreed to cooperate and have since reached a mutual agreement as to the proposed annexation boundaries for Section 15, which are legally described in Exhibit "A", and depicted on the Map attached hereto as Exhibit "B"; and

Exhibit A to Ordinance

WHEREAS, the Town wishes to expeditiously move forward with the Continued and Revised Annexation Application with such boundaries and submit same to the County, as legally described in Exhibit "A" attached hereto and depicted on the Map attached as Exhibit "B"; and

WHEREAS, public notice was provided in accordance with applicable law, and on February 6, 2017, the Town Council conducted a duly noticed public hearing and considered the Continued and Revised Annexation Application; and

WHEREAS, the Town Council finds that the proposed annexation areas and boundaries legally described in Exhibit "A" and depicted on the Map attached hereto as Exhibit "B", including the revised boundary for Section 15, and the submittal of the Continued and Revised Annexation Application to the County are in the best interest of the Town, its residents and existing and proposed property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein.

Section 2. **Approval of Annexation Areas and Application.** The Town Council hereby approves the extension and enlargement of the Town's boundaries to include the annexation areas legally described in Exhibit "A" and depicted in the Map attached as Exhibit "B", and authorizes the initiation and/or continuation of municipal boundary change procedures, including the Continued and Revised Annexation Application, pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County.

Section 3. **Authorization.** The Mayor, Town Administration and Town Attorney are hereby authorized and directed to take any and all actions as may be deemed necessary or desirable to initiate and/or continue the boundary change procedure in accordance with Section 20-3 of the County Code, and submit and process the Continued and Revised Annexation

Exhibit A to Ordinance

Application to the Board of County Commissioners of Miami-Dade County for their consideration.

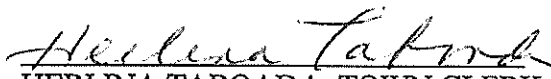
Section 4. Transmittal. The Clerk is hereby authorized and directed to transmit three (3) certified copies of this Resolution, together with proof of compliance with the notice procedures and all accompanying documentation as set forth in Section 20-3 of the County Code, to the Miami-Dade County Board of County Commissioners.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.


PASSED AND ADOPTED this 6th day of February, 2017.


ROBERTO MARTELL, MAYOR

ATTEST:


HERLINA TABOADA, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


TOWN ATTORNEY

SUMMARY OF THE VOTE

Mayor Roberto Martell	yes
Vice-Mayor Ivan Pacheco	yes
Councilperson Edgar Ayala	yes
Councilperson Griselia DiGiacomo	Absent
Councilperson Jack Morrow	yes

Exhibit A to Ordinance

EXHIBIT "A"

LEGAL DESCRIPTIONS OF PROPOSED ANNEXATION AREAS

All of Section 31, Township 52 South, Range 40 East, as situated within Miami-Dade County, comprising approximately 640.77 acres more or less.

TOGETHER WITH:

All of Section 9, Township 53 South, Range 40 East, LESS Tract 46, LESS Tract 47 and LESS Tract 57 all of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, (portions thereof currently within the municipal boundary of the Town of Medley, Miami-Dade County), comprising approximately 572 acres more or less.

TOGETHER WITH:

A portion of Section 14, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of State Road 826 (Palmetto Expressway) and N.W. 74th Street; THENCE East along the North Right-of-Way line of N.W. 74th Street to its intersection with the centerline of the Right-of-Way of N.W. 72nd Avenue; THENCE South to the North Right-of-Way line of S.R. 934 (the Hialeah Expressway [N.W. 74th Street Connector]); THENCE Westerly along such Right-of-Way line along its curve until it intersects with the North Right-of-Way line of N.W. 74th Street (POINT OF BEGINNING, comprising approximately 4.28 acres more or less.

TOGETHER WITH:

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of the West right-of-way line of NW 87th Avenue and the centerline of NW 74th Street; THENCE Easterly along the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; THENCE Southerly along the said centerline of NW 84th Avenue to the point of intersection with the westerly extension of the centerline of NW 71st Street; THENCE Easterly along the said westerly extension of the centerline of NW 71st Street to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly

Exhibit A to Ordinance

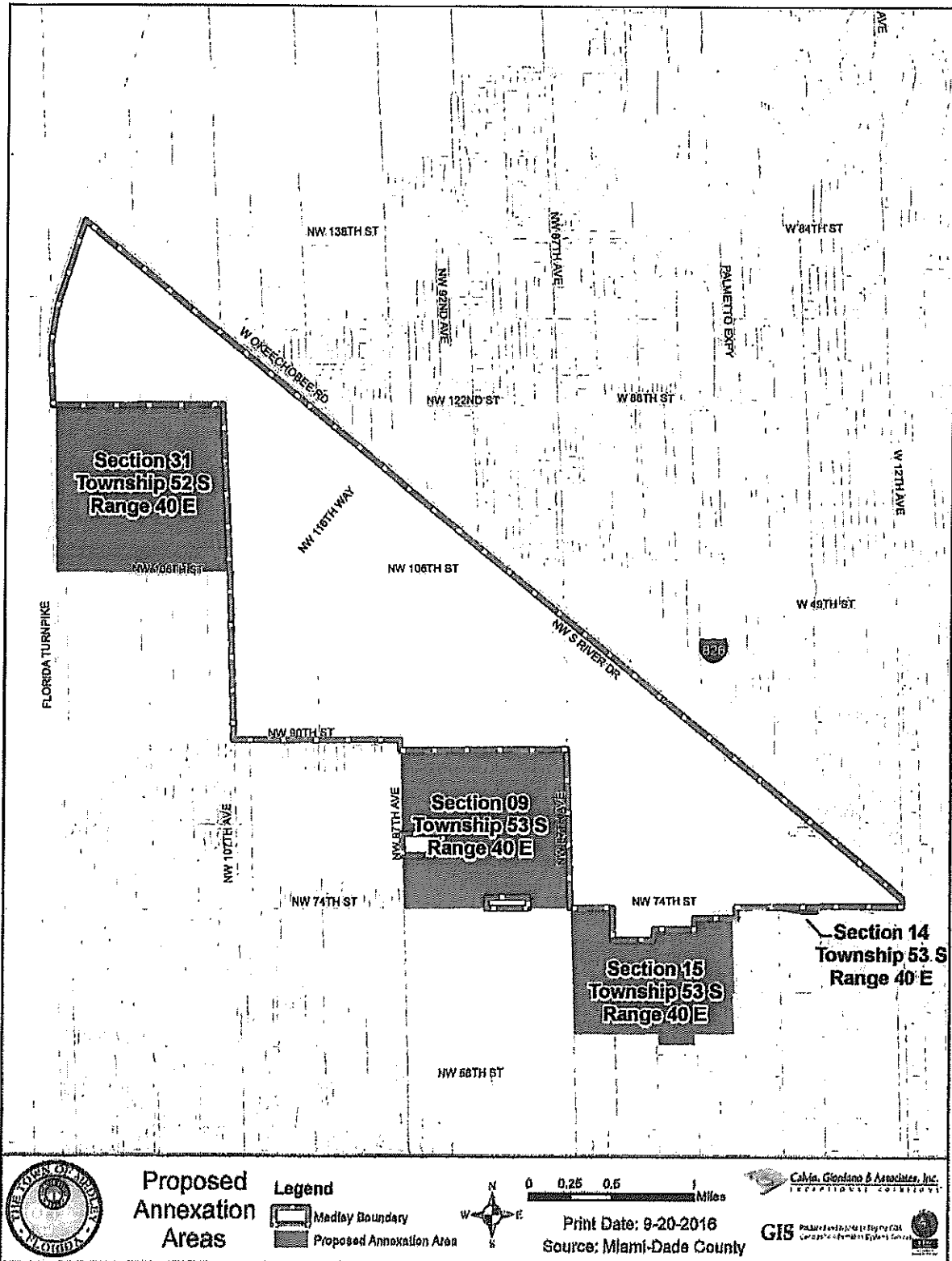
extension of the centerline of NW 72nd Street; THENCE Easterly along the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW 79th Avenue; THENCE Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline of NW 73rd Street; THENCE Easterly along the Westerly extension of the centerline of NW 73rd Street to the point of intersection with the West right-of-way line of State Road 826 (Palmetto Expressway); THENCE Southerly along the said West right-of-way line of State Road 826 (Palmetto Expressway) to the point of intersection with the centerline of NW 62nd Street; THENCE Westerly along the said centerline of NW 62nd Street to the point of intersection with the West line of the East 75 feet of Tract 60 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1; THENCE Southerly along the said West line of the East 75 feet of Tract 60 to the point of intersection with the South line of said Tract 60; THENCE Westerly along the said South line of Tract 60 to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue to the point of intersection with the Easterly extension of Tract 36 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1; THENCE Westerly along the said Easterly extension of Tract 36 and along the South line of Tract 36 and Tract 45 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to the point of intersection with the West right-of-way line of NW 87th Avenue; THENCE Northerly along the said West right-of-way line of NW 87th Avenue to the POINT OF BEGINNING, comprising approximately 415.32 acres more or less.

Said lands situated within Miami-Dade County, Florida and containing a total of
1,632.07 acres more or less.

Exhibit A to Ordinance

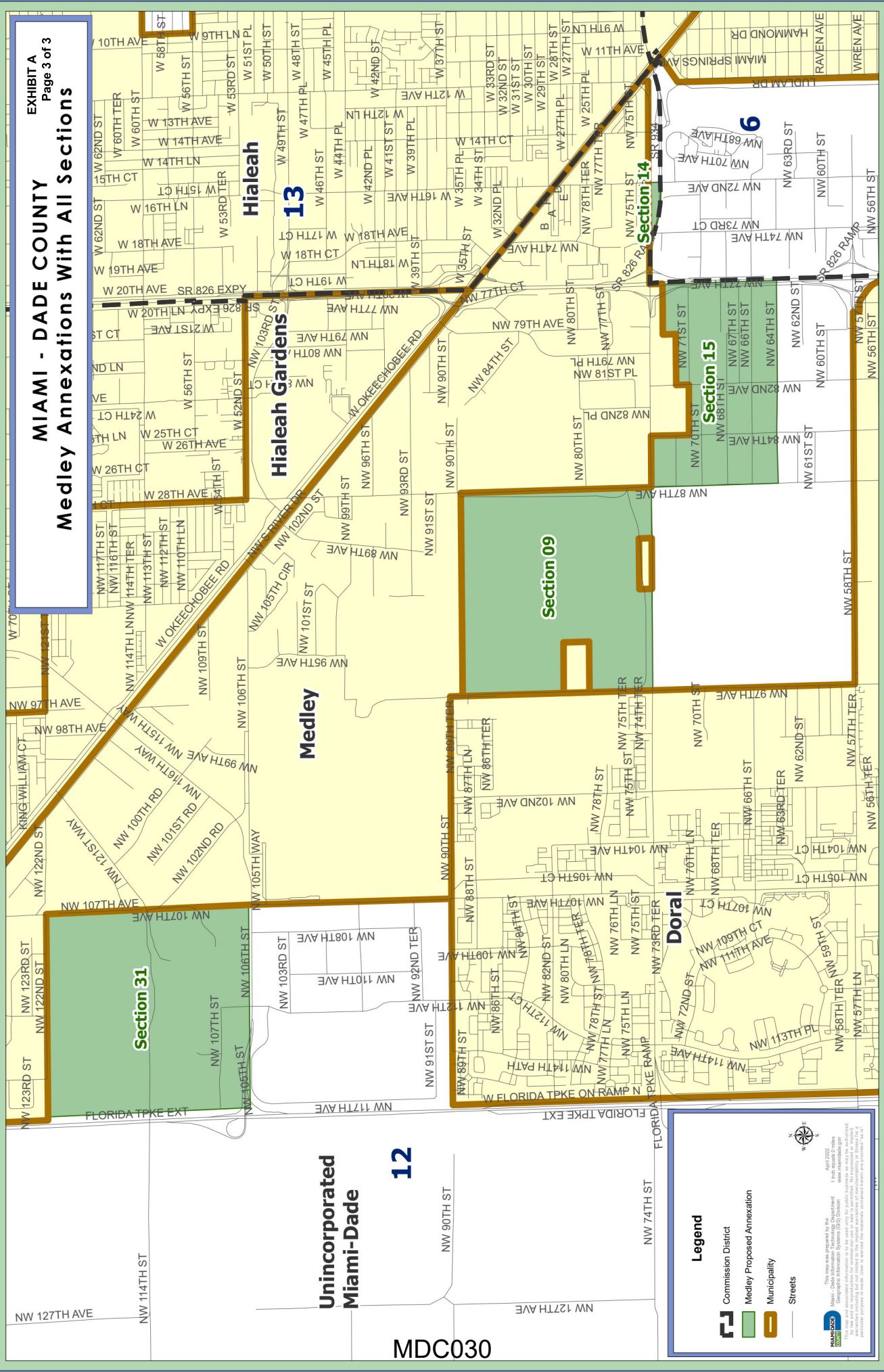
EXHIBIT "B"

MAP OF PROPOSED ANNEXATION AREAS



MIAMI - DADE COUNTY
Medley Annexations With All Sections

EXHIBIT A
Page 3 of 3



Legend

- Commission District
- Medley Proposed Annexation
- Municipality
- Streets

This map was prepared by the Miami-Dade County GIS Department on April 2022. It is a public information product. The map and associated information is to be used only for public purposes. No warranty is made by the County for any use of the information other than that intended. For more information, please contact the GIS Department at (305) 375-2000 or www.miamidade.gov/gis.

MDC030

