

Memorandum



Date: February 4, 2020

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

Agenda Item No. 8(O)(1)

From: Carlos A. Gimenez
Mayor

Resolution No. R-141-20

Subject: Resolution Authorizing Refund of Water and Sewer Connection Charges for
FUNDIMENSION, LLC.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the Miami-Dade Water and Sewer Department (WASD) to refund a payment of water and sewer connection charges in the amount of \$86,594.53 to FUNDIMENSION, LLC, a warehouse converted to 15,000 square feet of family recreational facility located within the North Central Dade Enterprise Zone. Pursuant to Section 2-348 of the Miami-Dade County Code, FUNDIMENSION, LLC is entitled to a refund of the water and sewer connection charges because it: (1) renovated property located within a designated enterprise zone, as defined by Section 290.004, Florida Statutes, (2) met the requirement to employ a certain percentage of residents who reside in the enterprise zone, and (3) was deemed to have received a property tax abatement exemption by the Department of Regulatory and Economic Resources.

Scope of Agenda Item

FUNDIMENSION, LLC is located in the County's North Central Enterprise Zone at 2129 NW 1 Court, Miami, Florida 33127, in District 5, which is represented by Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

Upon Board approval of this item, there will be a fiscal impact to the County in the amount of \$86,594.53, which is the refund amount due to FUNDIMENSION, LLC for water and sewer connection charges resulting from enhancements made to an existing facility in an enterprise zone. The funding source for the refund is WASD Plant Expansion Funds.

Track Record/ Monitor

WASD's Chief Financial Officer, Frances Morris, will oversee the refund process to the FUNDIMENSION, LLC.

Background

FUNDIMENSION, LLC is a warehouse converted to 15,000 square feet of family recreational facility located at 2129 NW 1 Court, Miami, Florida 33127, in Miami-Dade County's North Central Enterprise Zone. The enhancement of the property added 3,538 feet to the existing facility. Joyce Frohman, the business owner of FUNDIMENSIONS, LLC, applied for a property tax abatement exemption of water and sewer connection charges (attached hereto as Exhibit A) after the improvements were completed.

As a condition to the continued rendition of increased water and sewer service, WASD imposed a water and sewer connection charge in the amount of \$86,594.53 for additional gallonage for the recreational

facility. The connection charge was collected with the understanding that should the business meet the requirements delineated in Section 2-348 of the Code of Miami-Dade County, which provides for waivers of payment for water and sewer connection charges, the County would refund the payment made for the water and sewer connection charges.

Section 2-348 of the Code of Miami-Dade County provides that commercial or industrial real property development within enterprise zones, for which new or increased water or sewer service is required, is eligible for waiver of payment of water and sewer connection charges upon approval of the Board of County Commissioners (Board), subject to the following requirements:

1. The development is consistent with the Miami-Dade County Comprehensive Development Master Plan;
2. The development is located within an existing designated enterprise zone established pursuant to Florida Law;
3. The development has been deemed to have been granted an ad valorem tax exemption by Miami-Dade County; and
4. The development meets the requirement that 25 percent of the employees of the business located at the development reside within the enterprise zone.

The County's Department of Regulatory and Economic Resources reviewed the application sent by Joyce Frohman and issued a response (attached hereto as Exhibit B) confirming that the improvements made to FUNDIMENSION, LLC met the County's criteria specified in section 2-348 of the Miami-Dade County Code. Joyce Frohman was advised that the renovations made qualified for a refund of the water and sewer connection charges. FUNDIMENSION, LLC must create five new jobs and maintain those jobs for five years. In addition, 25 percent of their employees must live within the Enterprise Zone to continue to meet the criteria for this program over the next five years, which condition must be verified on the Florida Department of Revenue Employer's Quarterly Report. Pursuant to the employee roster and as confirmed during the site visit, this project has a total of 65 employees with 19 employees living within the Enterprise Zone.

WASD then proceeded to process the necessary documentation, including the Exemption Application Approval form that was executed by Joyce Frohman, Manager of FUNDIMENSION, LLC, and approved by the Director of Miami-Dade Water and Sewer Department (attached hereto as Exhibit C). A Covenant executed by Joyce Frohman, as the business owner, and Rene Morales on behalf of R.M. Realty Corporation, as property owner, is also a requirement for a refund and is attached hereto as Exhibit D.



Jack Osterholt
Deputy Mayor

MIAMI-DADE
COUNTY

This instrument was prepared by:

Name:

Address:

(Space reserved for Clerk)

COVENANT

This Covenant is made and enter into this, 5th day of October, 2018 by

Rene Morales
(Applicant/Land Owner)

whose address is 660 Island Road, Miami, FL 33137

WHEREAS, the Board of County Commissioners of Miami Dade County has adopted the Miami Dade County Road, Police and Fire Impact Fee Ordinances (Ordinances) Chapters 33E, 33I, and 33J respectively the Code of Miami Dade County, Florida; and

WHEREAS, the Ordinances exempt from the requirement of payment of impact fee for any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 2900.004(1)(a), Florida Statutes (1987) provided that the proposed development activity has been deemed a property tax exemption under Chapter 29 of the Code of Miami Dade County; and

WHEREAS, the Miami Dade County Department of Regulatory and Economic Resources (Department) through its Director is given authority to administer and effectuate the Ordinance; and

WHEREAS, Applicant/Land Owner has constructed or has a tenant that has a commercial development at: 2129 NW 1st Court, Miami, FL 33127

_____ and has been deemed ad
valorem tax exemption pursuant to _____ the herein described (Business):

WHEREAS, Applicant/Land Owner is fee simple owner of the Business or has a tenant that is a simple fee owner of the business and has agreed to assure the Department that the Business will create and maintain a

workforce as required according to Chapter 29 of the Code of Miami Dade County, the Ordinances and terms stated herein.

Covenant
Page 2 of 3

(Space reserved for Clerk)

WHEREAS, Applicant/ Land Owner is submitting this covenant to induce the Director of the Department to grant an refund of the aforesaid impact fees in the total amount of the road, - impact excluding administrative charges.

NOW THEREFORE, in consideration of the covenants and undertakings set forth therein, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Applicant, its successors or assigns, does hereby covenant and agree as follows:

1. General

- A. That the Business will comply with the employment requirements in Chapter 29 of the Code of Miami Dade County within enterprise zones. (Miami Dade County Department of Regulatory and Economic Resources or its successor department will monitor the business compliance with this requirement); and
- B. If, within five (5) years from the date of this covenant, the Business no longer meets the eligibility requirements of Chapter 29 Article X or Section 33E-14 of the Code of Miami Dade County, the impact fees will become due and payable by the Land Owner.
- C. Miami Dade County shall be authorized to lien the property herein described and to pursue collection of impact fees in accordance with the County's procedures for collecting unpaid or insufficient impact fees.

2. Termination

Applicant/Land Owner, its successors, or assigns shall have the right, upon written request delivered to the Department, to be released and to have the Land Owner released from the terms and conditions contained herein, upon tender to Miami Dade County of the amount of the applicable impact fees in effect at the time of the requested release, payable in accordance with the provisions of the Ordinances.

3. Covenant Running with the Land

This covenant shall constitute a covenant running with the land and may be recorded in the public Records of Miami Dade County, Florida, and shall remain in full force and effect and be binding upon Applicant/Land Owner and its successors and assigns until such as the same is modified or released or as otherwise provided in this covenant.

4. Governing Law

This covenant shall be governed by and construed in accordance with the laws of the State of Florida, both as to substantive rights and those governing remedies.



(Space reserved for Clerk)

5. Notice

Any notice required to be given herein shall be given by personal delivery or by certified U.S. mail at the address specified below or at such other address as may be specified in writing by the parties.

6. Severability

If any provision of this covenant shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

Department

Land Owner

Department of Regulatory and
Economic Resources

Stephen P. Clark Center
111 NW 1 Street, Suite 1210
Miami, Florida 33128

ATTN.: Director

R.M. Reaty Corp / Rene Mora
660 Island Road
Miami, FL 33137
Rene Morales

ATTN.:

ay



**Miami
FL**

**Ordinance
13841**

ADOPTED
May 23, 2019 9:00 AM

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 56, ARTICLE V/SECTION 56-113 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "TAXATION/AD VALOREM TAX EXEMPTION FOR ENTERPRISE ZONE BUSINESSES/ELIGIBILITY REQUIREMENTS," BY AMENDING THE ADMINISTRATIVE PROVISIONS OF THE AD VALOREM TAX EXEMPTION PROGRAM, TO SET FORTH THE CIRCUMSTANCES IN WHICH A BUSINESS SITED IN AN EXISTING ENTERPRISE ZONE IS DEEMED TO HAVE BEEN GRANTED THE CITY OF MIAMI'S CURRENTLY EXISTING AD VALOREM TAX EXEMPTION, FOR THE SOLE PURPOSE OF QUALIFYING FOR MIAMI-DADE COUNTY'S ENTERPRISE ZONE EXEMPTION FOR WATER AND SEWER CONNECTION CHARGES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Information

Department:	Commissioners and Mayor	Sponsors:	Commissioner, District Two Ken Russell, Commissioner, District Five Keon Hardemon
Category:	Elected Official Item		

Attachments

Agenda Summary and Legislation

Financial Impact

N/A

Body/Legislation

WHEREAS, Sections 290.001 – 290.016, Florida Statutes, known as the "Florida Enterprise Zone Act," allowed local governments to provide economic incentives and regulatory relief for areas deemed as Enterprise Zones, including impact fee reductions, abatements, and ad valorem tax exemptions; and

WHEREAS, the City of Miami ("City") offered such an exemption in the past for ad valorem taxes only; and

WHEREAS, in 2017, with the adoption of Chapter 2017-36, Laws of Florida, the Legislature repealed the "Florida Enterprise Zone Act" but provided for the preservation of existing Enterprise Zones "for the purpose of allowing local governments to administer local incentive programs within these boundaries through December 31, 2020 . . ."; and

WHEREAS, Miami-Dade County currently offers Enterprise Zone incentives, including exemptions from Water and Sewer Department ("WASD") connections for new and expanding businesses within Enterprise Zones ("WASD Incentive"); and

WHEREAS, the WASD Incentive, as described in Sections 2-348 and 2-348.1 of the Code of Miami-Dade County, Florida, as amended, requires that a business in an Enterprise Zone within a municipality seeking said WASD Incentive must also have received an ad valorem tax exemption from the municipality; and

WHEREAS, the City Commission, in order to promote economic development in its current Enterprise Zones,

wishes to amend the administrative procedures in its incentive program, to allow new and expanding businesses in its Enterprise Zones to qualify for the WASD Incentive; and

WHEREAS, it is not the City Commission's intention to expand, reduce, or otherwise modify the substance or applicability of its presently existing ad valorem incentive;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 56, Article V of the Code of the City of Miami, Florida, as amended, is amended in the following particulars:[1]

"CHAPTER 56

TAXATION

* * * *

ARTICLE V. AD VALOREM TAX EXEMPTION FOR ENTERPRISE ZONE BUSINESSES

* * * *

Sec. 56-113. – Eligibility requirements.

- (a) To be eligible for an ad valorem tax exemption a new business or expanding business must increase, or caused to be increased, the employment roll at the location receiving the exemption, by five or more full time jobs, on the year for which the exemption is desired to take effect.
- (b) It shall be a condition precedent to the granting of each annual renewal of the exemption that the applicable job creation requirement be maintained throughout the entire term of the exemption.
- (c) To be eligible for the exemption it is not required that the new business or expanding business be the fee simple owner of the property subject to the ad valorem tax, so long as the new business or expanding business is legally or contractually responsible for the payment of the ad valorem tax on the property nor is it necessary for the property owner to also own the new business or expanding business.
- (d) A new or expanding business that otherwise meets all other eligibility requirements of Sections 2-348 and 2-348.1 of the Miami-Dade County Code, as amended, shall be deemed to have received the ad valorem tax exemption authorized by this Article for the sole purpose of applying to receive Miami-Dade County's Water and Sewer Department water and sewer connection charge exemption, pursuant to Sections 2-348 and 2-348.1 of the Miami-Dade County Code, as amended. This is intended to satisfy the requirement of Section 2-348.1(b)(2) without requiring separate application by the new or expanding business to the City.

* * * *

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately upon its adoption.[2]

[1] Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

[2] This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

Meeting History

Apr 25, 2019 9:00 AM **City Commission** **Planning and Zoning**

 **Draft**

RESULT: **PASSED ON FIRST READING [UNANIMOUS]**
MOVER: Keon Hardemon, Commissioner, District Five
SECONDER: Manolo Reyes, Commissioner, District Four
AYES: Ken Russell, Wilfredo (Willy) Gort, Manolo Reyes, Keon Hardemon
ABSENT: Joe Carollo

Next: 5/23/2019 9:00 AM

May 23, 2019 9:00 AM **City Commission** **Planning and Zoning**

 **Draft**

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Keon Hardemon, Commissioner, District Five
SECONDER: Ken Russell, Commissioner, District Two
AYES: Ken Russell, Wilfredo (Willy) Gort, Keon Hardemon
ABSENT: Joe Carollo, Manolo Reyes

Select Language

Powered by Google Translate



Carlos A. Gimenez, Mayor

Exhibit B

Department of Regulatory and Economic Resources Planning Research and Economic Analysis Section

Stephen P. Clark Government Center
111 NW First Street • 12th Floor
Miami, Florida 33128
T (305)-375-2845

miamidade.gov

June 6, 2019

FunDimension
C/O Joyce Froham
2129 NW 1st Court
Miami, FL 33127

Dear Ms. Frohman:

RE: Water and Sewer Connection Fee Approval Letter – FunDimension

This letter is to inform you that the project located at 2129 NW 1st Court, Miami, FL 33127 has been deemed to have received a property tax abatement exemption and thereby qualifies for a refund of water sewer connections authorized under County Ordinance No. 13-51. A business (project) is deemed to have met the criteria for this program under the following conditions:

- It is a new or expanding business in the Enterprise Zone (EZ) – improvements must be verified by the Property Appraiser's Office;
- It must have created five (5) new jobs and maintain those jobs for five (5) years;
- Twenty-five (25) percent of all employees must live in the Enterprise Zone, approval from the Board of County Commissioners and municipality approval (if applicable) must be received to qualify for the refund of water/sewer connection fees.

Twenty (25) percent of EZ employees must be maintained for five (5) years and verified on the Florida Department of Revenue Employer's Quarterly Report (RT6). Employees hired by a tenant are acceptable. However, the applicant will be responsible for ensuring that the jobs have been created and maintained. In the event the jobs are not maintained, the refund and statutory interest must be paid to the County or a lien will be placed on the property. The landowner must execute the lien as a condition of the reimbursement.

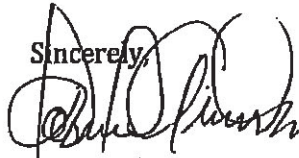
Every year on the anniversary date of this letter, (for the next four (4) years), the RT6 form and an employee roster certifying that the jobs have been created/maintained, must be submitted to this office. Failure to submit these required documents constitutes failure to comply with the term and conditions program. A representative of the Planning Research and Economic Analysis Section of the Department of Regulatory and Economic Resources will be conducting yearly site visits to monitor compliance with the employment requirement.

Pursuant to the employee roster and confirmed during the site visit, this project has a total of 65 employees with 19 employees living in the enterprise zone.

To continue with the refund process, please contact Sandra Alvarez, New Business Manager, in the Water and Sewer Department at (786) 268-5112.

Delivering Excellence Every Day

Sincerely,

A handwritten signature in dark ink, appearing to read 'Manuel A. Armada', written over the word 'Sincerely,'.

Manuel A. Armada
Chief Planning Research and Economic Analysis Section
Department of Regulatory and Economic Resources

C: Sandra Alvarez, New Business Manager
Miami-Dade County Water and Sewer Department

Exhibit C

**APPLICATION AND APPROVAL FORM
FOR WATER AND SEWER CONNECTION CHARGE EXEMPTION
Ordinance No. 92-08**

Applicant:

FUNDIMENSION, LLC
JOYCE FROHMAN
2129 N.W. 1 COURT
MIAMI, FL 33127

Description of Proposed Development:

"Fun Dimension" a warehouse converted to 15,000 square feet of family recreational facility; total of 7,711 Gallons Per Day Increase.

Taxpayer ID No: 81-3251117

Enterprises Zone: 1301

Folio Number: 01-3125-054-0300

Site Address: 2129 N.W. 1 Court, Miami, FL 33127

Legal Description: See Attached

Pursuant to Section 2-348 of the Code Miami-Dade County, the undersigned Applicant does hereby apply for exemption of the above described commercial of industrial real property development from payment of water and sewer connection charges, including special sewer connection charges, in accordance with the exemption provisions of Section 2-348 of the Code of Miami-Dade County.

TOTAL EXEMPTION AMOUNT CLAIMED BY APPLICANT: \$86,594.53

TOTAL EXEMPTION AMOUNT APPROVED BY DIRECTOR: \$86,594.53

The Applicant hereby certifies that all information provided on this form and any attachments are true and correct to the best of its/his/her knowledge and belief.

Date:

BY: 

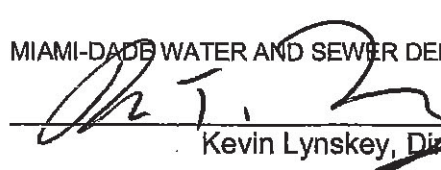
PRINT NAME: Joyce Alarcon-Frohman

TITLE: Principal

The undersigned does hereby recommend approval of the application for exemption subject to Applicant's compliance with all requirements set forth in Section 2-348 of the Code of Miami-Dade County.

Date:

MIAMI-DADE WATER AND SEWER DEPARTMENT

BY: 

Kevin Lynskey, Director

**EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY
"FUN DIMENSION"**

Lots 9, 10, 11, 12, and 13, in Block 8, of RESUBDIVISION OF BLOCKS 2, 5, 8, 12 AND 14 AND PARTS OF BLOCKS 4, 7 AND 10 OF JOHNSON & WADDELL'S ADDITION TO THE CITY OF MIAMI, FLORIDA, according to the Plat thereof, as recorded in Plat Book 6, at Page 68, of the Public Records of Miami-Dade County, Florida.



Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

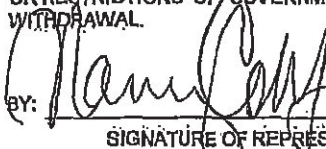
VERIFICATION FORM

THIS FORM IS NOT VALID WITHOUT A PAID INVOICE AND EXPIRES ONE YEAR FROM THE DATE ON FORM

MIAMIDADE.GOV F-12 INV# 30175 FORM# 201761342 DATE: 1/31/2017

NAME OF OWNER:	FUN DIMENSION / M2017003108		
PROPERTY ADDRESS:	2129 NW 1 COURT		
PROPOSED USAGE / NO. OF UNITS:	PARTY CENTER W/FOOD PREP PER PLANS		
REPLACES: PREVIOUS USAGE / NO. OF UNITS:	WAREHOUSE PTX 1957, CCB# 3167615658		
PROPERTY LEGAL:	R/S JOHNSON & WADDELL'S ADD PB 8-68 LOTS 11 TO 13 INC. BLK 8 & W1/2 OF ALLEY LYG'E & ADJ CLOSED PER RES #14-0384 LOT SIZE 20436 SQ FT M/L		
FOLIO NUMBER:	01-3125-054-0300	GALLONS PER DAY INCREASE:	7,741
PROPOSED FLOW:	7,832	PREVIOUS SQUARE FOOTAGE:	12,125 ☐ NEW CONSTRUCTION
PREVIOUS FLOW:	121	PROPOSED SQUARE FOOTAGE:	15,663 ☒ INTERIOR RENOVATION
ADOPTED FLOW:	0	☐ CRITICAL HABITAT	☐ SEWER ONLY

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT DOES HAVE A(N) 4 INCH WATER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF WATER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID # N/A), SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF WATER SUPPLY OR WITHDRAWAL.

BY: 
SIGNATURE OF REPRESENTATIVE

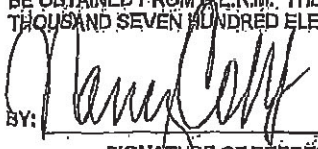
Nancy Cobb - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS:

WCC=\$10,718.29 SCC=\$43,181.60 BISC BASIN SCC=\$32,694.80 WSC=\$90 VF=\$150
TOTAL=\$86,634.69 / EMAIL DTD 1-26-17, 4" WM OK. HYDRAULIC MODEL TEST PASS.

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT DOES HAVE A(N) 8 INCH GRAVITY SEWER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF SEWER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID # N/A), SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF SEWAGE DISPOSAL. FURTHERMORE, APPROVAL OF ALL SEWAGE FLOWS INTO THE DEPARTMENT'S SYSTEM MUST BE OBTAINED FROM D.E.R.M. THE ANTICIPATED DAILY WATER AND/OR SEWAGE FLOW FOR THIS PROJECT WILL BE: SEVEN THOUSAND SEVEN HUNDRED ELEVEN (7711) GALLONS PER DAY INCREASE.

BY: 
SIGNATURE OF REPRESENTATIVE

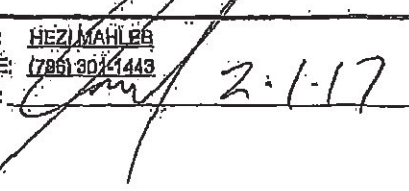
Nancy Cobb - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS:

D.E.R.M. SEWER ALLOCATION LETTER DATED: 1-26-2017 LT# 2016-03999

THIS VERIFICATION LETTER CERTIFIES THE AVAILABILITY OF A WATER AND/OR SEWER MAIN ONLY, AND IT DOES NOT GUARANTEE THE EXISTENCE OF A WATER SERVICE LINE OR OF A SEWER LATERAL WITH SUFFICIENT DEPTH TO SERVE THE PROPERTY. FOR ADDITIONAL INFORMATION CALL 786-288-5380. SHOULD IT BECOME NECESSARY TO INSTALL A SERVICE LINE AND/OR A SEWER LATERAL WOULD REQUIRE THAT THE DEVELOPER RETAINS SERVICES FROM DESIGNERS AND CONTRACTORS WITH SKILL SETS FOR DESIGNING, BUILDING AND CONNECTING TO PUBLIC WATER AND SEWER SYSTEMS.

CONTACT NAME: HEZI MAHLER
CONTACT PHONE: (786) 301-1443
AUTHORIZED BY: 

Printed On: 1/31/2017
2:11:53 PM

NB: Nancy Cobb
PR:

1-30-17

13



Invoice

Water & Sewer Department
New Business Office
P.O. Box 330316
Miami, FL 33233-0316

Invoice Number N00030175
Customer Number 00016021
Invoice Date April 6, 2017
Business Process Number (X) 2017093725
Total Amount Due **\$86,834.53**

FUN DIMENSION
2129 NW 1 COURT
MIAMI FL 33127

Note:

VF# 2017161342 / M2017003106 FOR PARTY CENTER REPLACING WAREHOUSE AT 2129 NW 1 COURT FOLIO# 0131250540300./ CC#1010982

ER Water
ER Sewer
Agreement ID

Description	JO/Agmt	Qty	UOM	Unit Price	Charge Amt	Interest	Line Total
CC WASD Water		7,711	GPD	1.39	10,718.29	0.00	10,718.29
CC WASD Sewer		7,711	GPD	5.60	43,181.60	0.00	43,181.60
CC Bisc Basln Spcl Sewer		7,711	GPD	4.24	32,694.64	0.00	32,694.64
Water Alloc Cert Initial		1	EA	90.00	90.00	0.00	90.00
VF Non-Res Existing Wtr		1	EA	75.00	75.00	0.00	75.00
VF Non-Res Existing Swr		1	EA	75.00	75.00	0.00	75.00
Total Standard Charges							\$86,834.53

Total Invoice

\$86,834.53

Paid →

MIAMI-DADE COUNTY
DPT. OF REGULATORY & ECONOMIC RESOURCES
04/06/2017 14:51
REGISTER : TCPW9391 CENTRAL
CASHIER : E304848
TRANSACTION #: 281704060113
PROCESS #: X2017093725
CHECK TENDERED : \$86,834.53
=====

TOTAL : \$86,834.53
CHECK # (S): 1010982 \$86,834.53

FUNDIMENSION

This instrument prepared by:

Douglas Pile, Esq.
New Business Section
Miami-Dade Water and Sewer Department
3575 S. LeJeune Road
Miami, Florida 33146-2221

(space reserved for Clerk)

COVENANT RUNNING WITH THE LAND
FOR EXEMPTION AND REFUND OF WATER AND SEWER CONNECTION CHARGES

This Covenant is made and enter into this 27th day of September 2019 by FUNDIMENSION, LLC, a Florida limited liability company ("Applicant") and R.M. REALTY CORPORATION, a Florida corporation ("Property Owner"), whose mailing address is 2129 N.W. 1 Court, Miami, Florida 33127, to MIAMI-DADE COUNTY, a political subdivision of the State of Florida, its successors and assigns (the "County");

WHEREAS, the Board of County Commissioners of Miami-Dade County has adopted the Miami-Dade County water and sewer connection charge requirements in Chapter 32 of the Code of Miami-Dade County, Florida and Miami-Dade County Implementing Order 10-8; and

WHEREAS, Sections 2-348.1 and 2-348.2 of the Code of Miami-Dade County provide for the exemption and refund of water and sewer connection charges for any commercial or industrial development located within an existing designated enterprise zone, as defined in Section 290.004, Florida Statutes, that meets certain requirements; and

WHEREAS, if the commercial or industrial development applies for the water and sewer connection charge refund and meets the requirements set forth in Section 2-348.1 of the Miami-Dade County Code, the Miami-Dade County Board of County Commissioners will determine whether the refund will be granted to the applicant; and

WHEREAS, the Miami-Dade County Department of Regulatory and Economic Resources, through its Director, is given authority to receive applications and verify compliance with the requirements for a refund of water and sewer connection charges, including, among other things, satisfying the employment requirements set forth in Section 2-348.1(c) and the terms of this Covenant; and

WHEREAS, the Miami-Dade County Water and Sewer Department operates the water and sewer systems owner by the County, and is authorized to enforce collection of water and sewer connection charges; and

WHEREAS, the Applicant is the owner of Fun Dimension (the "Business") and has agreed that the Business will create and maintain a workforce as required according to Chapter 29 of the Code of Miami-Dade County, Section 2-348.1 of the Code of Miami-Dade County, the Ordinances and terms stated herein; and

FUNDIMENSION

WHEREAS, the Business is located at 2129 N.W. 1 Court, Miami, Florida 33127 (the "Property"); and

WHEREAS, the Applicant paid water and sewer connection charges, including special sewer connection charges, in the amount of \$86,594.53, per Invoice #30175, for the Business located at the Property; and

WHEREAS, the Property Owner is the fee simple owner of the Property, legally described in Exhibit "A" attached hereto, which is leased to the Applicant; and

WHEREAS, the Applicant and Property Owner are submitting this Covenant to induce the Board of County Commissioners to grant a refund of the aforesaid water and sewer connection charges to the Applicant, excluding any administrative charges that may apply,

NOW THEREFORE, in consideration of the covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant and Property Owner, their successors and assigns, do hereby covenant and agree as follows:

1. General

- A. The Business will comply with the employment requirements for businesses in enterprise zones that receive refunds for impact fees in Chapter 29 of the Code of Miami-Dade County and with the requirements of Section 2-348.1 of the Code of Miami-Dade County. Each year, for a period of five (5) years hereafter, the Business shall submit to the Director of the Miami-Dade County Department of Regulatory and Economic Resources (or its successor department) a report that will verify the Business' compliance with the requirements of Section 2-348.1 of the Code of Miami-Dade County. Said report, which shall be in a format as prescribed by the Miami-Dade County Department of Regulatory and Economic Resources, shall be submitted no later than thirty (30) days following the Effective Date (month and day) of the Resolution approving the refund of the water and sewer connection charges to the Applicant by the Board of County Commissioners, and every year thereafter on that month and day for the next five (5) years; and
- B. If, at any time within five (5) years from the date of this Covenant, the Business no longer meets the eligibility requirements of Section 2-348.1 of the Code of Miami-Dade County, or if the Business fails to timely provide the annual compliance report as required in Section 1-A of this Covenant, the water and sewer connection charges (at the rate in effect at the time the Business fails to comply with this Covenant) will become due and payable by the owner of the Business. In accordance with the notice provision below, Miami-Dade County will provide a notice of non-compliance to the Business and/or Applicant that the Covenant has been breached and the connection charges are due within thirty (30) days. If the Covenant is breached and the connection charges become due, the Applicant and the Business will not be eligible to reapply for an exemption and refund of water and sewer connection charges again for the development at the Property.
- C. Miami-Dade County shall be authorized to lien the Property herein described and to pursue collection of water and sewer connection charges in accordance with the County's procedures for collecting unpaid or insufficient water and sewer connection charges. If the water and sewer connection charges are not repaid within thirty (30) days from notice of non-compliance with this Covenant, Miami-Dade County reserves the right to remove the water meter at the Property and terminate service until such time as the connection charges have been paid in full or a payment arrangement has been entered into, if applicable.

FUNDIMENSION**2. Termination**

The Applicant, Business, the Property Owner, their successors, and their assigns shall have the right, upon written request delivered to the Miami-Dade County Regulatory and Economic Resources Department, to be released from the terms and conditions contained herein, upon tender to Miami-Dade County of the amount of the applicable water and sewer connection charges in effect at the time of the requested release, payable in accordance with the provisions of the Ordinances.

3. Covenant Running with the Land

This Covenant shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This Covenant shall remain in full force and effect and be binding upon Applicant and the Property Owner, and their successors and assigns until it is modified or released by Miami-Dade County.

4. Governing Law

This Covenant shall be governed by and construed in accordance with the laws of the State of Florida.

5. Notice

Any notice required to be given herein shall be given by personal delivery or by certified U.S. mail at the address specified below or at such other address as may be specified in writing by the parties.

Department

Department of Regulatory and
Economic Resources

Stephen P. Clark Center
111 NW 1 Street, Suite 1210
Miami, Florida 33128

ATTN.: Director

Applicant

FUNDIMENSION, LLC

2129 N.W. 1 Court
Miami, FL 33127

ATTN.: Joyce Frohman

Department

Water and Sewer Department

New Business Section
3575 S. LeJeune Road
Miami, Florida 33146

ATTN.: Manager, New Business

Property Owner

R.M. Realty Corporation

660 Island Road
Miami, FL 33137

ATTN.: Rene Morales

6. Severability

If any provision of this Covenant shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

FUNDIMENSION

IN WITNESS WHEREOF, the parties hereto have caused this Covenant to be executed by their respective officials as of the day and year above written.

WITNESSETH:

**FUNDIMENSION, LLC, A FLORIDA
LIMITED LIABILITY COMPANY**

Tatiana Gierena
signature

TATIANA GIERENA
print name

By: _____

signature

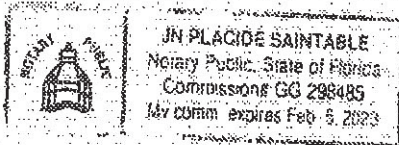
Joyce Alarcon-Frohman
Joyce Frohman, Member/Manager
print name

Vanessa Piffero
signature

VANESSA PIFFERO
print name

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this 05 day of August 2019, by Joyce Frohman, Member/Manager, who is personally known to me or and has/has not produced FL/DL AUG2435718671 as identification and did/did not take an oath.



Notary Public

JN Placide Saintable
print name

GG 298485
Serial Number

FUNDIMENSION

ATTEST:

R.M. REALTY CORPORATION,
A FLORIDA CORPORATION

By: n/a (SEAL) By: _____
Rene Morales, Secretary Rene Morales, President
 print name print name

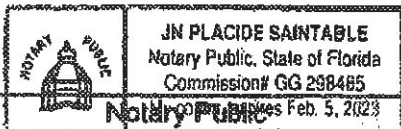
STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

[Signature] Sept 5, 2019
 President

The foregoing instrument was acknowledged before me this 05 day of August September, 2019, by Rene Morales, as President and as Secretary, of R.M. Realty Corporation a Florida corporation, on behalf of the corporation. He/She/They are personally known to me or has/have produced Florida Driver License H64272054146 as Identification and did/did not take an oath.

x

[Signature]
 President and Secretary Sept 5, 2019



JN Placide Saintable
 print name

GG 298485
 Serial Number

Approved for Legal Sufficiency:

[Signature]
 Assistant County Attorney

[Signature]
 Sandra P. Alvarez, New Business Manager
 For: Kevin Lynskey, Director
 Miami-Dade Water and Sewer Department

FUNDIMENSION

EXHIBIT "A" OF COVENANT
BETWEEN
MIAMI-DADE COUNTY
AND
FUNDIMENSION, LLC
AND
R.M. REALTY CORPORATION

LEGAL DESCRIPTION

Lots 9, 10, 11, 12, and 13, in Block 8, of RESUBDIVISION OF BLOCKS 2, 5, 8, 12 AND 14 AND PARTS OF BLOCKS 4, 7 AND 10 OF JOHNSON & WADDELL'S ADDITION TO THE CITY OF MIAMI, according to the Plat thereof, as recorded in Plat Book 6, at Page 68, of the Public Records of Miami-Dade County, Florida.

"A" 1 of 1



MIAMI - DADE WATER AND SEWER DEPARTMENT



EXHIBIT "A" - 1

LOCATION SKETCH
SCALE: N.T.S
-THIS IS NOT A SURVEY-

FUNDIMENSION COVENANT

FOLIO# 01-3125-054-0280/0290/0300
MIAMI-DADE COUNTY SEC 25-53-41
JUN 21, 2019

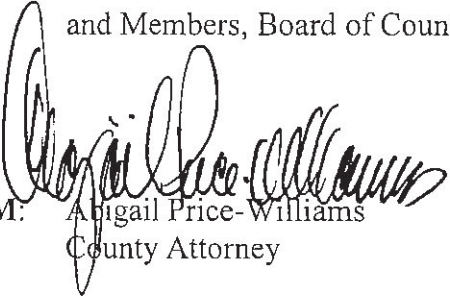


MEMORANDUM

(Revised)

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

DATE: February 4, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(0)(1)

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. 8(0)(1)
2-4-20

RESOLUTION NO. R-141-20

RESOLUTION AUTHORIZING REFUND OF PAYMENT OF
WATER AND SEWER CONNECTION CHARGES IN THE
AMOUNT OF \$86,594.53 PURSUANT TO SECTION 2-348 OF
THE CODE OF MIAMI-DADE COUNTY TO FUNDIMENSION,
LLC LOCATED IN THE COUNTY'S NORTH CENTRAL
ENTERPRISE ZONE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, pursuant to Section 2-348 of the Code of Miami-Dade County, this Board hereby approves a refund of the water and sewer connection charges in the amount of \$86,594.53 to FUNDIMENSION, LLC, which is located at 2129 NW 1 Court, Miami, Florida, 33127, which is within the County's North Central Enterprise Zone.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	aye
Esteban L. Bovo, Jr.	absent
Jose "Pepe" Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	absent

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Linda L. Cave
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis