

# Memorandum



**Date:** (Public Hearing 6-2-20)  
April 7, 2020

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

Agenda Item No. 5(F)

**From:** Carlos A. Gimenez  
Mayor

Ordinance No. 20-55

**Subject:** Ordinance Creating the Biscayne Park Station Street Lighting Special Taxing District

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve a petition submitted in accordance with Article 1, Chapter 18, of the Code of Miami-Dade County (Code) for the creation of the Biscayne Park Station Street Lighting Special Taxing District (Special Taxing District). The Special Taxing District will remain dormant until such time as Miami-Dade County (County) ceases to provide lighting services for the parcel shown on the attached Exhibit A. The creation of this Special Taxing District is a subdivision requirement pursuant to Chapter 28 of the Code.

## **Scope**

This proposed Special Taxing District lies within Commission District 2, which is represented by County Commissioner Jean Monestime, and will provide street lighting services if and when necessary.

## **Fiscal Impact/Funding Source**

Creation of this Special Taxing District will result in a fiscal impact to the County. As the developer of the Special Taxing District, the County, pursuant to Chapter 18 of the Code, is required to fund all incidental costs incurred for the creation of the Special Taxing District, which are estimated to be \$3,852.84. The County is the current owner of the property within the proposed Special Taxing District. If the County sells the property or if the street lighting services cannot be equitably or conveniently provided by the County, the street lighting services shall be provided by the Special Taxing District upon failure of the County to provide the required lighting services. Upon subsequent adoption of the Special Taxing District's assessment roll, there will be a perpetual annual special assessment for the cost of street lighting to all property owners within the Special Taxing District.

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

## **Social Equity Statement**

The proposed Ordinance creates the Special Taxing District, pursuant to Article I, Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code. If approved and in the event that the County ceases to provide lighting services, property owners within the proposed Special Taxing District will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's services, regardless of their demographics, and that the total estimated amount of the special assessments to be levied would not be in excess of such special benefit. The creation of this Special Taxing District, which was requested by 100% of the property owners, will

provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on connecting roadways, allow higher intensity spotlighting at specific locations, and accommodate future County lighting standards.

Pursuant to Section 18-20.2 of the Code regarding notice to purchasers of new residential property, it shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special taxing district created pursuant to this Chapter of the Code or of a pending petition to create such a special taxing district. The notice shall be provided in the manner set forth in Section 18-20.2 of the Code.

### **Track Record/Monitoring**

The Special Taxing District will be managed by the County's Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division (Division), Lorena Guerra-Macias.

### **Background**

In accordance with the provisions of Chapter 18 of the Code, a petition to create the Special Taxing District, duly signed by 100% of the owners of property within the proposed Special Taxing District, was filed with the Clerk of the Board. A copy of the petition was sent to the County Mayor and the County Attorney to examine and to file a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code. PROS compiled and filed with the Clerk a memorandum and accompanying written report and recommendations (Report), a copy of which is attached to this memorandum. The Report sets forth the boundaries of the Special Taxing District, an estimate of the cost of the improvements and/or services to be provided, the need for and desirability of the Special Taxing District, the ability of the affected properties to bear the special assessments, certifies that the improvements and/or services to be provided conform to the master plan of the Miami-Dade County, and recommends that the Special Taxing District be created to provide a special benefit to all property within the proposed Special Taxing District.

Contingent upon Board approval of the creation of this Special Taxing District and in the event that the County ceases to provide lighting services, the services will be accomplished pursuant to an agreement between the County and Florida Power and Light (FPL). The equipment installed by the County will be removed and the new facilities provided will be the property of FPL. FPL will be responsible for the maintenance, repairs, upgrades, and replacement of the light fixtures, lamps, poles, and all connecting service lines. The Division will administer FPL's agreement, installation, and billing process.

### **Boundaries:**

On the North, theo. NE 139 Street;  
On the East, NE 2 Court;  
On the South, theo. NE 138 Street;  
On the West, Memorial Highway.

### **Number of Parcels:**

2 (Tentative plat proposes 1 Fire Station).

**Number of Owners:**

1

**Number of Owners With Homestead  
Exemption Signing Petition:**

None – The petition was submitted by Miami-Dade County, the sole property owner and developer.

**Type of Improvements:**

In the event the County ceases to provide lighting services and the Special Taxing District is activated, it is expected that the Special Taxing District will install, operate, and maintain five (5) – 102 Watts, 4000K LED bracket-arm streetlights mounted on existing poles. At the discretion of the PROS Director, PROS reserves the right to adjust the quantity, style, and luminosity of the street lighting facilities, for reasons including, but not limited to, changes in field conditions, to address safety concerns, to provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on connecting roadways, to allow higher intensity

**Public Hearing Notification:**

The Clerk will certify the place, date, and hour for a public hearing on the petition and the Report at which all interested persons will be afforded the opportunity to present for this Board's consideration their objections, if any, to the creation and establishment of the Special Taxing District. As pursuant to Section 18-3(d), a public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the proposed Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.

**Preliminary Public Meeting:**

None necessary.

**Required Referendum:**

The creation of the Special Taxing District will be subject only to Board approval; no

election will be necessary as 100% of the property owners signed the petition.

**Preliminary Assessment Roll:**

In the event the County fails to provide the required services, and contingent upon Board approval of this Special Taxing District's creating ordinance, a hearing to adopt the street lighting preliminary assessment roll will be conducted. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

**Estimated Initial Billing:**

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

**Initial Start of Service:**

At the earliest practicable time following cessation of street lighting services by the County.

**Estimated District Creation Costs  
To Be Paid by Petitioner:**

| <u>First Year</u> | <u>Second Year</u> |
|-------------------|--------------------|
| \$3,852.84        | \$0.00             |

**Method of Apportionment:**

Front Footage

**Estimated Annual District Assessments:**

Per Assessable Front:

| <u>First Year</u> | <u>Second Year</u> |
|-------------------|--------------------|
| \$8.2369          | \$1.8115           |

For Tract A:

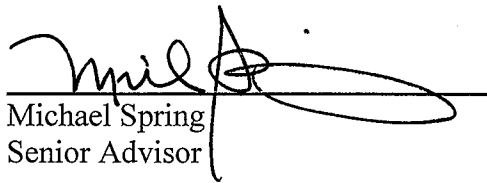
|            |            |
|------------|------------|
| \$5,485.80 | \$1,205.71 |
|------------|------------|

The above annual assessments information are for informational purposes only and are based on expected lighting services to be provided by the Special Taxing District, if services were to commence this year. Actual costs for lighting services will be determined at the time of the assessment roll hearing and are subject to change in the event that the Special Taxing District's services are adjusted by the PROS Director as provided herein.

State or Federal grants are not applicable to this Special Taxing District.

Each special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide these services is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Chapter 28 of the Code to provide street lighting in new subdivisions through the creation of Street Lighting Special Taxing Districts, and in compliance with the provisions of Section 18-3(c) of the Code, I have reviewed the facts submitted by PROS in its Report and Recommendations, a copy of which is attached and incorporated herein. I concur with their recommendation that this Special Taxing District be created pursuant to Section 18-2 of the Code. Also, I recommend the provisions of Resolution No. R-130-06 be waived because adoption of this Ordinance is a precursor to the future execution of said agreement, which will not occur until the County ceases to provide the required lighting services.

  
Michael Spring  
Senior Advisor

**REPORT AND RECOMMENDATIONS ON THE CREATION  
OF BISCAYNE PARK STATION STREET LIGHTING  
SPECIAL TAXING DISTRICT  
MIAMI-DADE COUNTY, FLORIDA**

Pursuant to Chapter 18 of the Code of Miami-Dade County (Code), and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) Director concerning the creation of Biscayne Park Station Street Lighting Special Taxing District (Special Taxing District).

**1. BOUNDARIES OF THIS DISTRICT**

The proposed Special Taxing District is located entirely within a portion of unincorporated Miami-Dade County, and the boundaries, as set forth in the petition, are as follows:

A portion of Section 19, Township 52 South, Range 42 East, Miami-Dade County, Florida (a.k.a. Biscayne Park Station, Tentative Plat # T-24296); being more particularly described as follows:

That part of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East, lying West of the center line of Northeast 2<sup>nd</sup> Avenue, subject to the dedication of Biscayne Drainage Canal, Memorial Highway, and the East 25.00 feet of the Northeast 2<sup>nd</sup> Avenue, all lying and being in Miami-Dade County, Florida.

AND

That part of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East, lying West of the center line of Northeast 2<sup>nd</sup> Avenue, as shown on Map attached to Deed recorded in Deed Book 1952, at Page 509, of the Public Records of Miami-Dade County, Florida; subject to the dedication of Biscayne Drainage Canal, Memorial Highway, and Northeast 2<sup>nd</sup> Avenue, all lying and being in Miami-Dade County, Florida, as recorded in Official Records Book 20699, at Page 4585, of the Public Records of Miami-Dade County Florida.

LESS

That portion of the said North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East lying East of the Biscayne Drainage Canal and West of Memorial Highway all lying and being in Miami-Dade County, Florida.

The Special Taxing District's boundaries and geographical location are shown on the attached sketch entitled Biscayne Park Station Street Lighting Special Taxing District and hereinafter referred to as "Exhibit A".

2. **LOCATION OF THE INSTALLATIONS TO BE CONSTRUCTED**

Services to be provided under the Special Taxing District will consist of public street lighting located within public rights-of-way.

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

Pursuant to Chapter 18 of the Code, Miami-Dade County (County) is required to fund all incidental costs incurred by the County for the creation of the Special Taxing District. The County will install the lights, poles, and service lines at its expense and the facilities will remain the property of the County. The County, therefore, will be responsible for the maintenance, repairs, upgrades, and replacement of the light standards, fixtures, lamps, and all connecting service lines. The proposed Special Taxing District is to be assessed only in the event that the County ceases to provide lighting services for the parcel shown on Exhibit A. At such time FPL will install new facilities at its expense, which will remain the property of FPL.

Thereafter, property owners within the Special Taxing District will pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's service, regardless of their demographics, and that the total estimated amount of the special assessment to be levied would not be in excess of such special benefit. The cost of the streetlights will be continual and base on the preliminary cost estimate below, using Rate Schedule No. LT-1 prepared by Florida Power and Light (FPL) and approved by the Florida Public Service Commission, a copy of which is attached.

| <b><u>Estimated Annual District Costs</u></b>                        | <b><u>First Year</u></b> | <b><u>Second Year</u></b> |
|----------------------------------------------------------------------|--------------------------|---------------------------|
| 5 – 102 Watts, 4000K LED Luminaires                                  | \$683.08                 | \$683.08                  |
| Annual Fuel Adjustments (Based on<br>2,100 KWH at \$0.07443 Per KWH) | \$156.30                 | \$156.30                  |
| Franchise Cost (Based on 9.297% of \$839.38)                         | <u>\$78.04</u>           | <u>\$78.04</u>            |
| Subtotal Street Lighting Services Costs                              | \$917.42                 | \$917.42                  |
| Engineering and Administrative Costs                                 | \$2,638.74               | \$38.74                   |
| Billing, Collecting and Processing Costs                             | \$1,214.10               | \$150.00                  |
| Contingencies                                                        | <u>\$715.54</u>          | <u>\$99.55</u>            |
| Street Lighting Costs Paid By Petitioner                             | \$5,485.80               |                           |
| Total Annual Street Lighting Costs                                   |                          | \$1,205.71                |

| <u>Estimated Annual District Assessments</u> | <u>First Year</u> | <u>Second Year</u> |
|----------------------------------------------|-------------------|--------------------|
| Per Assessable Front Foot:                   | \$8.2369          | \$1.8115           |
| For A Typical Townhome Unit:                 | \$5,485.80        | \$1,205.71         |

The above annual costs and assessment information are based on the expected lighting services to be provided by the Special Taxing District, and are subject to change in the event the Special Taxing District's services are adjusted by the Department Director. Total costs and assessments will be adjusted, if necessary, to meet actual costs. Actual costs for the first year, and each year thereafter will be determined and presented to the Board of County Commissioners (Board) at the time of the street lighting assessment roll public hearing and will then be adjusted annually based on actual expenses.

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

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

5. **RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT**

The need for street lighting in the County is apparent. Residents and property owners of the County continue to demonstrate their desire for the services which will be provided by this Special Taxing District through numerous petitions and personal requests. The ability of the affected properties to pay special assessments is evident since the costs of this Special Taxing District's services, including any bonds then outstanding, do not exceed 25% of the assessed valuation of all properties within the Special Taxing District's boundaries (including homesteads) as shown by the last preceding assessment roll of the County. In my opinion, the proposed streetlight program will provide special benefits to properties within the Special Taxing District exceeding the amount of special assessments to be levied.

6. **PROCEDURE**

Following the creation of the Special Taxing District by the Board of County Commissioners (Board), the petitioner's plat shall not be placed on a Commission agenda for approval prior to receipt of the payment from the petitioner for the administrative fees and all upfront fees as specified above. Upon approval of the petitioner's plat by the Board, the County will install the lights, poles, and service lines at its expense. If the County fails to provide the lighting services, each property owner based on their front footage within the proposed Special Taxing District will pay the County, through a special assessment, a proportional share of the total annual street lighting costs for each year thereafter.

Subsequently, the County will enter into an agreement with FPL in substantially the form attached herein, wherein the County will pay to FPL any costs associated with the streetlight installation and ongoing costs of service. In the event street lighting costs are lower than the costs estimated herein, the Director of PROS shall adjust and decrease the rate of the assessment. In the event actual street lighting costs are higher than estimated herein, the rate of the assessment shall not be increased prior to the Board adopting a revised street lighting assessment roll.

7. **RECOMMENDATION**

I recommend that Biscayne Park Station Street Lighting Special Taxing District be created pursuant to Section 18-2 of the Code, which provides for the creation of special taxing districts for street lighting in new subdivisions. The creation of this Special Taxing District will be subject to Board approval; no election will be necessary as 100% of the property owners signed the petition. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the

Biscayne Park Station Street Lighting Special Taxing District. Pursuant to Chapter 18 of the Code, the Board shall receive and hear, at a public hearing, remarks by interested persons on this Special Taxing District, and thereafter may adopt such ordinance. Following failure of the County to provide the required services, the Board may adopt the Special Taxing District's Preliminary Assessment Roll resolution to fund the Special Taxing District's services. Adoption of this resolution will enable the Miami-Dade County Tax Collector to collect the funds necessary to administer the Special Taxing District, reimburse affected County Departments as well as provide funds for payment of the annual costs for the lighting services and the Special Taxing District's monthly power bills for the second year and each year thereafter. The ordinance creating the Special Taxing District shall take effect ten days after the date of its adoption, unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the Board. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this Special Taxing District. We further recommend that the County Mayor or County Mayor's designee forward the attached report to the Board after review and concurrence with our findings.

- Attachments:
- (1) Copy of Petition and Attachments
  - (2) Copy of FPL Rate Schedule No. LT-1
  - (3) Copy of FPL LED Street Lighting Agreement Form
  - (4) Copy of Memo from Department of Regulatory and Economic Resources
  - (5) District Boundaries and Geographical Location Sketch (Exhibit A)

# Memorandum



**Date:** January 14, 2020

**To:** Linda L. Cave  
Office of the Clerk of the Board  
Attn: Shania Momplaisir

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

**Subject:** Biscayne Park Station  
Street Lighting Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Sections 18-2 and 18-22.1 of the Miami-Dade County Code, this Department has verified the attached name against the records of the Office of the Property Appraiser, and has concluded that said petition relates to real property in a new subdivision and the signator is the owner and/or individual signing in their official capacity as representative of the owner of the property in question. We are therefore submitting the following information:

|    |                                                                                                |             |
|----|------------------------------------------------------------------------------------------------|-------------|
| 1. | Total number of parcels of land within district boundaries                                     | <u>2</u>    |
| 2. | Total number of owners of property within district boundaries                                  | <u>1</u>    |
| 3. | Total number of resident owners within district boundaries<br>(this is a new subdivision area) | <u>0</u>    |
| 4. | Total number of signatures on the petition                                                     | <u>1</u>    |
| 5. | Total number of owners or representatives signing the petition<br>in an official capacity      | <u>1</u>    |
| 6. | Percentage of owners or representatives signing the petition<br>in their official capacity     | <u>100%</u> |

Pursuant to Sections 18-2 and 18-22.1 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

c: Ryan Carlin

**MIAMI-DADE COUNTY ATTORNEY'S OFFICE**  
**MEMORANDUM**

TO: Lorena Guerra-Macias  
Chief, Special Taxing Districts

FROM: Ryan Carlin *RC*  
Assistant County Attorney

DATE: January 16, 2019

SUBJECT: Biscayne Park Station Street Lighting Special Taxing District

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Please be advised that I have reviewed the above-referenced petition and find it to be legally sufficient for street lighting purposes only.

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

PAGE 1 OF 2

November 1, 2019  
Document Preparation  
Date

Departmental Acceptance Date  
(Government Use Only)

PETITION FOR STREET LIGHTING SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: installation, operation and maintenance of sodium vapor street lights or LED of an intensity of 16,000 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles. The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) Biscayne Park Station (T-24296)

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the street lights to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Parks, Recreation and Open Spaces Department.

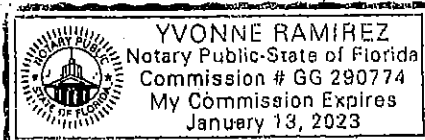
| OWNER'S NAME | OWNER'S ADDRESS   | LEGAL DESCRIPTION OF PROPERTY | TAX FOLIO NUMBER |
|--------------|-------------------|-------------------------------|------------------|
| Miami-Dade   | 9300 NW 41 Street |                               | 30-2219-000-0910 |
| Fire Rescue  | Doral, FL 33178   |                               | 30-2219-000-0920 |
|              |                   |                               |                  |
|              |                   | MORE FULLY                    |                  |
|              |                   | DESCRIBED ON                  |                  |
|              |                   | THE ATTACHED                  |                  |
|              |                   | "EXHIBIT A"                   |                  |
| Maurice Kemp |                   |                               |                  |
| Deputy Mayor |                   |                               |                  |
|              |                   |                               |                  |

PLACE NOTARY STATEMENT AND STAMP HERE:

PLACE NOTARY STATEMENT AND STAMP HERE:

DO HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared Maurice Kemp the Deputy Mayor of Miami-Dade, a Florida personally known to me, or ( ) who produced identification in the form of and who executed the foregoing resolution and acknowledged before me that Maurice Kemp executed same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 10th day of Jan, 2020.



(SEAL)

Yvonne Ramirez  
Notary Public, State of Florida  
My commission expires

DEPARTMENTAL ACCEPTANCE DATE  
(GOVERNMENT USE ONLY)

## EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S)

KNOWN AS BISCAYNE PARK STATION

DATED 11/1/2019 FOR THE CREATION OF  
SPECIAL TAXING DISTRICT(S).

THAT PART OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE  
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 42  
EAST, LYING WEST OF THE CENTER LINE OF NORTHEAST 2ND AVENUE, SUBJECT TO THE  
DEDICATION OF BISCAYNE DRAINAGE CANAL, MEMORIAL HIGHWAY, AND THE EAST 25 FEET OF  
THE NORTHEAST 2ND AVENUE, ALL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AND

THAT PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE  
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 42  
EAST, LYING WEST OF THE CENTER LINE OF NORTHEAST 2ND AVENUE, AS SHOWN ON MAP  
ATTACHED TO DEED RECORDED IN DEED BOOK 1952 AT PAGE 509, OF THE PUBLIC RECORDS OF  
DADE COUNTY, FLORIDA; SUBJECT TO THE DEDICATION OF BISCAYNE CANAL, MEMORIAL  
HIGHWAY, AND NORTHEAST 2ND AVENUE, ALL LYING AND BEING IN MIAMI-DADE COUNTY,  
FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 20699, PAGE 4585, OF THE PUBLIC  
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS

THAT PORTION OF THE SAID NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF  
THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 42 EAST LYING EAST OF THE  
BISCAYNE DRAINAGE CANAL AND WEST OF MEMORIAL HIGHWAY.

Folios: 30-2219-000-0910 and 30-2219-0000920

Area: 93,890 SF or 2.155 Acres +/-

LED LIGHTING PILOTRATE SCHEDULE: LT-1AVAILABLE:

In specific territories served, upon request of the entity that has jurisdiction over the area being lighted. Contact FPL for available installation territories.

APPLICATION:

For the purpose of lighting streets whether public or private, roadways, and common areas, other than individual residential locations. This includes but is not limited to parking lots, homeowners association common areas, or parks.

TYPE OF INSTALLATION:

FPL-owned fixtures normally will be mounted on poles of FPL's existing distribution system and served from overhead wires. On request of the Customer, FPL will provide special poles or underground wires at the charges specified below. FPL, at its discretion, may offer the customer the option of FPL-owned fixtures attached to poles owned by the customer.

SERVICE:

Service includes energy from dusk each day until dawn the following day and maintenance of FPL-owned Lighting Systems. Maintenance includes replacement or repair of any circuit component to assure the facilities are operational and safe.

LIMITATION OF SERVICE:

Stand-by or resale service is not permitted hereunder.

CUSTOMER CONTRIBUTIONS:

A Contribution-in-Aid-of-Construction (CIAC) will be required for:

- a) the differential cost between employing rapid construction techniques in trenching, backfilling and pole installation work where no obstructions exist, and the added cost to overcome obstructions such as sprinkler systems, paved surfaces (such as sidewalks, curbs, gutters, and roadways), landscaping, sodding and other obstructions encountered along the Lighting System installation route, including repair and replacement. If the Customer elects to perform work such as trenching and restoration, they will be reimbursed by FPL with a credit (not to exceed the total CIAC cost) for the value of this work as determined by FPL;
- b) the installation cost of any new overhead distribution facilities and/or the cost of alterations to existing distribution facilities which are required in order to serve the Lighting System less four (4) times the additional annual non-fuel energy revenue generated by the installation or alteration of the Lighting System, plus where underground facilities are installed, the differential installation cost between underground and overhead distribution facilities.

These costs shall be paid by the Customer prior to the initiation of any construction work by FPL. The Customer shall also pay any additional costs associated with design modifications requested after the original estimate has been made.

(Continued on Sheet No. 8.736)

(Continued from Sheet No. 8.735)

**REMOVAL OF FACILITIES:**

If FPL owned Lighting facilities are removed either by Customer request or termination or breach of the agreement, the customer will pay the fixture, pole, and conductor charges for the period remaining on the currently active term of service plus the cost to remove the facilities. These charges do not apply to street light conversions from FPL owned facilities covered under SL-1 to FPL owned LED facilities under this tariff. In all cases, should the Customer request termination of the agreement, such termination will require written notice 90 days prior to the date of termination.

**Conversion of FPL Owned Streetlights (SL-1 facilities) to LED:**

For customers converting Street Lights as per FPL's SL-1 Street Lighting Tariff paying the LED Conversion Recovery charge, there will be no charges for the fixtures being removed. Any other charges for relocation or replacement of FPL owned facilities would still apply.

**CHANGE IN FIXTURE SIZE OR TYPE:**

At the Customer's request, the Company will upgrade to a higher level of illumination when the changes are consistent with good engineering practices. The customer will pay the original installed cost of the removed fixtures, less any salvage value and depreciation, plus removal costs and will receive a credit for 4 years additional revenue generated by the larger fixtures. If changes are required to the distribution system to support the larger lights, standard CIAC charges as described on sheet 8.735 will also apply. The Customer will pay the Company the net costs incurred in making other fixture changes. Customers converting HPSV fixtures to LED and paying the LED Conversion Recovery Charge will not be charged for the fixtures being removed, as noted in the preceding paragraph. In all cases where luminaires are replaced, the Customer will sign a new service agreement. Billing on the rate for the new luminaire or lamp size will begin as of the next regular billing date. A luminaire may be relocated at the Customer's request upon payment by the Customer of the full cost of removal and reinstallation.

**MONTHLY RATES for LED Fixtures\*:**

| Energy Tier | Charge  | Fixture Tier |      |       |       |       |       |       |       |       |       |
|-------------|---------|--------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|             |         | 1            | 2    | 3     | 4     | 5     | 6     | 7     | 8     | 9     | 10    |
| A           | \$ -    | 1.50         | 4.50 | 7.50  | 10.50 | 13.50 | 16.50 | 19.50 | 22.50 | 25.50 | 28.50 |
| B           | \$ 0.20 | 1.70         | 4.70 | 7.70  | 10.70 | 13.70 | 16.70 | 19.70 | 22.70 | 25.70 | 28.70 |
| C           | \$ 0.40 | 1.90         | 4.90 | 7.90  | 10.90 | 13.90 | 16.90 | 19.90 | 22.90 | 25.90 | 28.90 |
| D           | \$ 0.60 | 2.10         | 5.10 | 8.10  | 11.10 | 14.10 | 17.10 | 20.10 | 23.10 | 26.10 | 29.10 |
| E           | \$ 0.80 | 2.30         | 5.30 | 8.30  | 11.30 | 14.30 | 17.30 | 20.30 | 23.30 | 26.30 | 29.30 |
| F           | \$ 1.00 | 2.50         | 5.50 | 8.50  | 11.50 | 14.50 | 17.50 | 20.50 | 23.50 | 26.50 | 29.50 |
| G           | \$ 1.20 | 2.70         | 5.70 | 8.70  | 11.70 | 14.70 | 17.70 | 20.70 | 23.70 | 26.70 | 29.70 |
| H           | \$ 1.40 | 2.90         | 5.90 | 8.90  | 11.90 | 14.90 | 17.90 | 20.90 | 23.90 | 26.90 | 29.90 |
| I           | \$ 1.60 | 3.10         | 6.10 | 9.10  | 12.10 | 15.10 | 18.10 | 21.10 | 24.10 | 27.10 | 30.10 |
| J           | \$ 1.80 | 3.30         | 6.30 | 9.30  | 12.30 | 15.30 | 18.30 | 21.30 | 24.30 | 27.30 | 30.30 |
| K           | \$ 2.00 | 3.50         | 6.50 | 9.50  | 12.50 | 15.50 | 18.50 | 21.50 | 24.50 | 27.50 | 30.50 |
| L           | \$ 2.20 | 3.70         | 6.70 | 9.70  | 12.70 | 15.70 | 18.70 | 21.70 | 24.70 | 27.70 | 30.70 |
| M           | \$ 2.40 | 3.90         | 6.90 | 9.90  | 12.90 | 15.90 | 18.90 | 21.90 | 24.90 | 27.90 | 30.90 |
| N           | \$ 2.60 | 4.10         | 7.10 | 10.10 | 13.10 | 16.10 | 19.10 | 22.10 | 25.10 | 28.10 | 31.10 |
| O           | \$ 2.80 | 4.30         | 7.30 | 10.30 | 13.30 | 16.30 | 19.30 | 22.30 | 25.30 | 28.30 | 31.30 |
| P           | \$ 3.00 | 4.50         | 7.50 | 10.50 | 13.50 | 16.50 | 19.50 | 22.50 | 25.50 | 28.50 | 31.50 |
| Q           | \$ 3.20 | 4.70         | 7.70 | 10.70 | 13.70 | 16.70 | 19.70 | 22.70 | 25.70 | 28.70 | 31.70 |
| R           | \$ 3.40 | 4.90         | 7.90 | 10.90 | 13.90 | 16.90 | 19.90 | 22.90 | 25.90 | 28.90 | 31.90 |
| S           | \$ 3.60 | 5.10         | 8.10 | 11.10 | 14.10 | 17.10 | 20.10 | 23.10 | 26.10 | 29.10 | 32.10 |
| T           | \$ 3.80 | 5.30         | 8.30 | 11.30 | 14.30 | 17.30 | 20.30 | 23.30 | 26.30 | 29.30 | 32.30 |

\* Catalog of available fixtures and the assigned billing tier for each can be viewed at [www.FPL.com/partner/builders/lighting.html](http://www.FPL.com/partner/builders/lighting.html)

(Continued on Sheet No. 8.737)

(Continued from Sheet No. 8.736)

|                                                           |        |
|-----------------------------------------------------------|--------|
| Maintenance per Fixture (FPL Owned Fixture and Pole)      | \$1.82 |
| Maintenance per Fixture for FPL Fixtures on Customer Pole | \$1.27 |
| LED Conversion Recovery                                   | \$1.03 |

**Notes:**

The non-fuel energy charge is 3.041¢ per kWh.

Bills rendered based on "Total" charge. Unbundling of charges is not permitted.

**Charges for other FPL-owned facilities:**

|                                                                          |                  |
|--------------------------------------------------------------------------|------------------|
| Wood pole used only for the street lighting system                       | \$5.20           |
| Standard Concrete pole used only for the street lighting system          | \$7.11           |
| Round Fiberglass pole used only for the street lighting system           | \$8.42           |
| Decorative Tall Fiberglass pole used only for the street lighting system | \$17.76          |
| Decorative Concrete pole used only for the street lighting system        | \$14.42          |
| Underground conductors                                                   | 4.024 ¢ per foot |

**SPECIAL PROVISIONS:**

Where the Company provides poles other than those listed above, the monthly charges, as applicable shall be computed as follows:

Facilities Charge: 1.63% of the Company's average installed cost of the pole.

**BILLING**

During the initial installation period:

Facilities in service for 15 days or less will not be billed;

Facilities in service for 16 days or more will be billed for a full month.

**WILLFUL DAMAGE:**

Upon the second occurrence of willful damage to any FPL-owned facilities, the Customer will be responsible for the cost incurred for repair or replacement. If the lighting fixture is damaged, based on prior written instructions from the Customer, FPL will:

- a) If a commercially available and FPL approved device exists, install a protective shield. The Customer shall pay \$280.00 for the shield plus all associated costs. However, if the Customer chooses to have the shield installed before the second occurrence, the Customer shall only pay the cost of the shield; or
- b) Replace with a like unshielded fixture. For this, and each subsequent occurrence, the Customer shall pay the estimated costs of the replacement fixture; or
- c) Terminate service to the fixture. In this case, the lighting facilities will be removed from the field and from billing; the customer will pay the lighting facilities charges for the remaining period of the currently active term of service plus the cost to remove the facilities.

Option selection shall be made by the Customer in writing and apply to all fixtures which FPL has installed on the Customer's behalf on the same account. Selection changes may be made by the Customer at any time and will become effective ninety (90) days after written notice is received.

(Continued on Sheet No. 8.738)

(Continued from Sheet No. 8.737)

OTHER CHARGES

|                         |                       |
|-------------------------|-----------------------|
| Conservation Charge     | See Sheet No. 8.030.1 |
| Capacity Payment Charge | See Sheet No. 8.030.1 |
| Environmental Charge    | See Sheet No. 8.030.1 |
| Fuel Charge             | See Sheet No. 8.030.1 |
| Storm Charge            | See Sheet No. 8.040   |
| Franchise Fee           | See Sheet No. 8.031   |
| Tax Clause              | See Sheet No. 8.032   |

SPECIAL CONDITIONS:

Customers whose lights are turned off during sea turtle nesting season will receive a credit equal to the fuel charges associated with the fixtures that are turned off.

TERM OF SERVICE:

Initial term of ten (10) years with automatic, successive five (5) year extensions unless terminated in writing by either FPL or the Customer at least ninety (90) days prior to the current term's expiration. Term of service begins upon execution of the LED Lighting Agreement.

RULES AND REGULATIONS:

Service under this schedule is subject to orders of governmental bodies having jurisdiction and to the currently effective "General Rules and Regulations for Electric Service" on file with the Florida Public Service Commission. In case of conflict between any provision of this schedule and said "General Rules and Regulations for Electric Service", the provision of this schedule shall apply.



FPL Account Number: \_\_\_\_\_

FPL Work Request Number: \_\_\_\_\_

## LED LIGHTING AGREEMENT

In accordance with the following terms and conditions, \_\_\_\_\_ (hereinafter called the Customer), requests on this \_\_\_\_\_ day of \_\_\_\_\_, from FLORIDA POWER & LIGHT COMPANY (hereinafter called FPL), a corporation organized and existing under the laws of the State of Florida, the following installation or modification of lighting facilities at (general boundaries) \_\_\_\_\_ located in \_\_\_\_\_, Florida.

- (a) Installation and/or removal of FPL-owned facilities described as follows:

| <u>Poles</u>          |                            |                    |                  |                           |
|-----------------------|----------------------------|--------------------|------------------|---------------------------|
| Pole Type             | Existing Pole Count<br>(A) | # Installed<br>(B) | # Removed<br>(C) | New Pole Count<br>(A+B-C) |
| Wood                  |                            |                    |                  |                           |
| Standard Concrete     |                            |                    |                  |                           |
| Standard Fiberglass   |                            |                    |                  |                           |
| Decorative Concrete   |                            |                    |                  |                           |
| Decorative Fiberglass |                            |                    |                  |                           |

| <u>Underground Conductor</u> |                         |                       |                     |                        |
|------------------------------|-------------------------|-----------------------|---------------------|------------------------|
| Type                         | Existing Footage<br>(A) | Feet Installed<br>(B) | Feet Removed<br>(C) | New Footage<br>(A+B-C) |
| Under Pavement               |                         | N/A <sup>(1)</sup>    |                     |                        |
| Not Under Pavement           |                         |                       |                     |                        |

- (1) All new conductor installed is in conduit and billed as Not Under Pavement

[illegible]

(b) Modification to existing facilities other than described above (explain fully):

That, for and in consideration of the covenants set forth herein, the parties hereto covenant and agree as follows:

**FPL AGREES:**

1. To install or modify the lighting facilities described and identified above (hereinafter called the Lighting System), furnish to the Customer the electric energy necessary for the operation of the Lighting System, and furnish such other services as are specified in this Agreement, all in accordance with the terms of FPL's currently effective lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive lighting rate schedule approved by the FPSC.

**THE CUSTOMER AGREES:**

2. To pay a contribution in the amount of \$\_\_\_\_\_ prior to FPL's initiating the requested installation or modification.
3. To purchase from FPL all of the electric energy used for the operation of the Lighting System.
4. To be responsible for paying, when due, all bills rendered by FPL pursuant to FPL's currently effective lighting rate schedule on file at the FPSC or any successive lighting rate schedule approved by the FPSC, for facilities and service provided in accordance with this agreement.
5. To provide access, final grading and, when requested, good and sufficient easements, suitable construction drawings showing the location of existing and proposed structures, identification of all non-FPL underground facilities within or near pole or trench locations, and appropriate plats necessary for planning the design and completing the construction of FPL facilities associated with the Lighting System.
6. To perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by FPL to accommodate the lighting facilities.

**IT IS MUTUALLY AGREED THAT:**

7. Modifications to the facilities provided by FPL under this agreement, other than for maintenance, may only be made through the execution of an additional lighting agreement delineating the modifications to be accomplished. Modification of FPL lighting facilities is defined as the following:
  - a. the addition of lighting facilities;
  - b. the removal of lighting facilities; and
  - c. the removal of lighting facilities and the replacement of such facilities with new facilities and/or additional facilities.

Modifications will be subject to the costs identified in FPL's currently effective lighting rate schedule on file at the FPSC, or any successive schedule approved by the FPSC.

8. Lighting facilities will only be installed in locations that meet all applicable clear zone right-of-way setback requirements.
9. FPL will, at the request of the Customer, relocate the lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so and locations requested are consistent with clear zone right-of-way setback requirements. The Customer shall be responsible for the payment of all costs associated with any such Customer-requested relocation of FPL lighting facilities. Payment shall be made by the Customer in advance of any relocation.
10. FPL may, at any time, substitute for any luminaire installed hereunder another luminaire which shall be of at least equal illuminating capacity and efficiency.
11. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and, except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial the (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. The written notice shall be by certified mail and shall be given not less than ninety (90) days before the expiration of the initial ten (10) year term, or any extension thereof.
12. In the event lighting facilities covered by this agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for paying to FPL an amount equal to the fixture, pole, and conductor charges for the period remaining on the currently active term of service plus the cost to remove the facilities.

13. Should the Customer fail to pay any bills due and rendered pursuant to this agreement or otherwise fail to perform the obligations contained in this Agreement, said obligations being material and going to the essence of this Agreement, FPL may cease to supply electric energy or service until the Customer has paid the bills due and rendered or has fully cured such other breach of this Agreement. Any failure of FPL to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by FPL, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.
14. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy, or by cause or causes not under the control of the party thus prevented from compliance, and FPL shall not have the obligation to furnish service if it is prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of FPL, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.
15. **This Agreement supersedes all previous Agreements** or representations, either written, oral, or otherwise between the Customer and FPL, with respect to the facilities referenced herein and constitutes the entire Agreement between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by FPL to third parties.
16. In the event of the sale of the real property upon which the facilities are installed, upon the written consent of FPL, this Agreement may be assigned by the Customer to the Purchaser. No assignment shall relieve the Customer from its obligations hereunder until such obligations have been assumed by the assignee and agreed to by FPL.
17. This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of the Customer and FPL.
18. The lighting facilities shall remain the property of FPL in perpetuity.
19. This Agreement is subject to FPL's Electric Tariff, including, but not limited to, the General Rules and Regulations for Electric Service and the Rules of the FPSC, as they are now written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the FPL Electric Tariff or the FPSC Rules, the provisions of the Electric Tariff and FPSC Rules shall control, as they are now written, or as they may be hereafter revised, amended or supplemented.

IN WITNESS WHEREOF, the parties hereby caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective as of the day and year first written above.

Charges and Terms Accepted:

\_\_\_\_\_  
Customer (Print or type name of Organization)

FLORIDA POWER & LIGHT COMPANY

By: \_\_\_\_\_  
Signature (Authorized Representative)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or type name)

\_\_\_\_\_  
(Print or type name)

Title: \_\_\_\_\_

Title: \_\_\_\_\_

# Memorandum



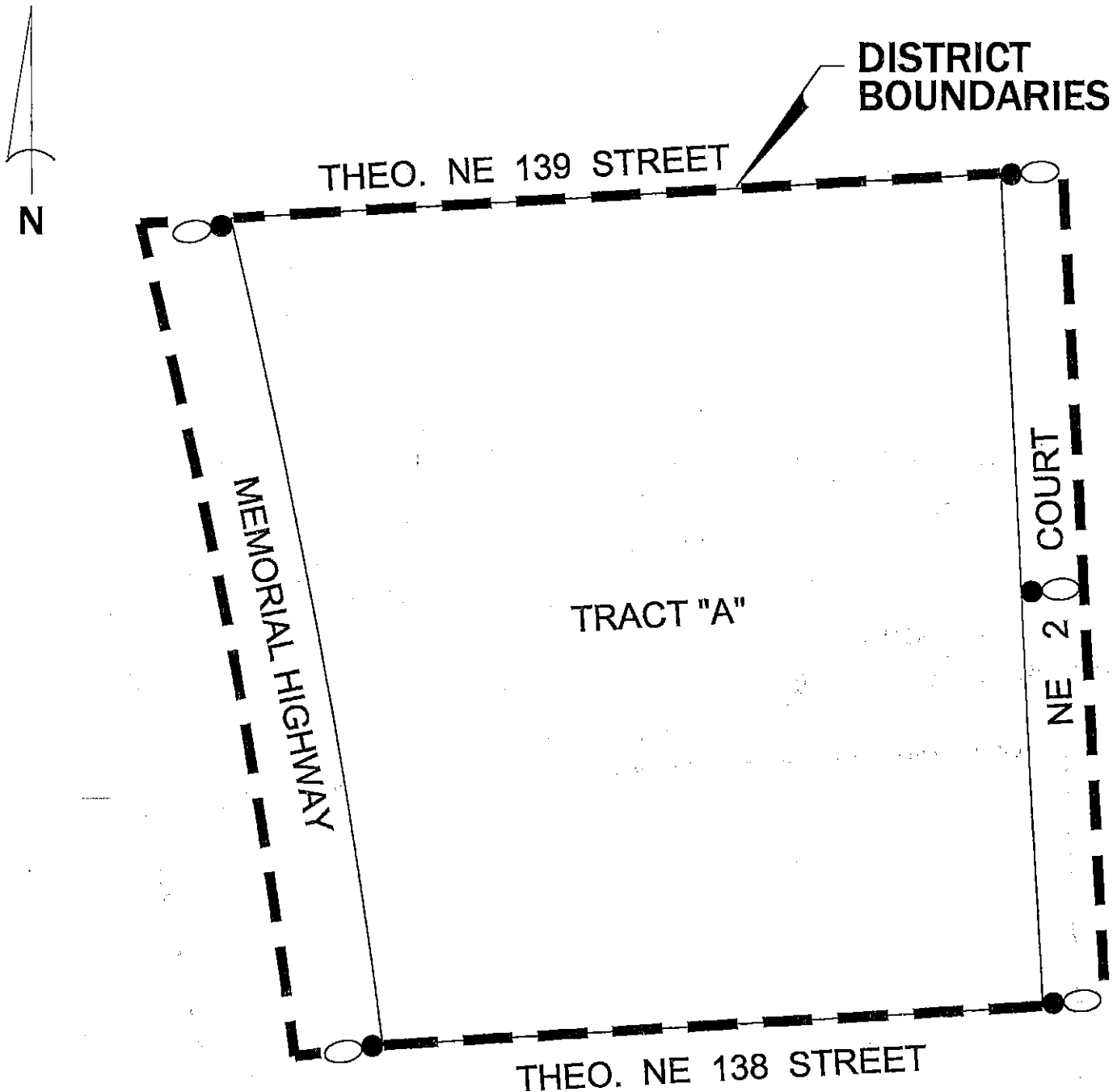
**Date:** February 12, 2019  
**To:** Maria Nardi, Director  
Department of Parks, Recreation and Open Spaces  
**From:** Jack Osterholt, Deputy Mayor/Director  
Department of Regulatory and Economic Resources  
**Subject:** Street lighting, Maintenance of Landscape, Walls Adjacent to Double Frontage Lots, Entrance Features and Lakes – Special Taxing Districts

---

All tentative plats in the unincorporated area of Miami-Dade County submitted to the Development Services Division (Land Development Section) of the Regulatory and Economic Resources Department (RER), must comply with the special taxing districts requirements of the Miami-Dade County Code (the Code) including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve, through September 30, 2020, as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2020-2030 Comprehensive Development Master Plan (CDMP). Capital Improvement Element Policy CIE-4A states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special taxing districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible (Adopted Components as Amended through September 2018, page IX-9). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the Code.

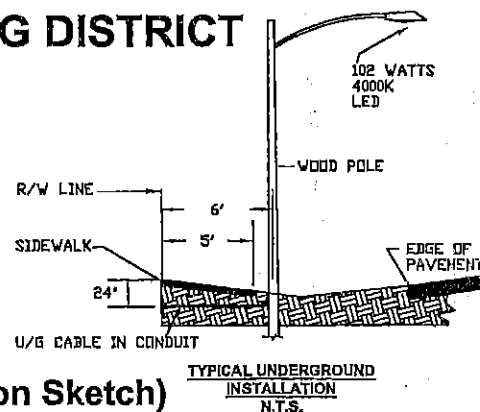
The RER has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the RER Development Services Division review all landscape maintenance districts and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Retention Areas.

JO:LG:NK:JB:GR:VS



# **BISCAYNE PARK STATION** **STREET LIGHTING SPECIAL TAXING DISTRICT**

- 5- XSP2, 102 WATTS, 4000K LED BRACKET-ARM STREETLIGHTS MOUNTED ON EXISTING WOOD POLES.



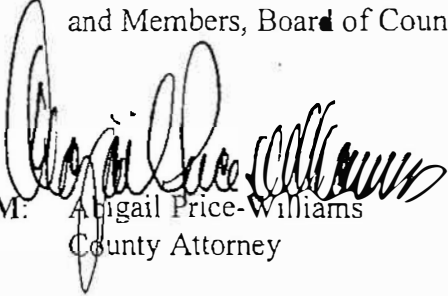


# MEMORANDUM

(Revised)

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

DATE: June 2, 2020

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 5(F)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(F)  
6-2-20

ORDINANCE NO. 20-55

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY THEORETICAL NE 139 STREET, ON THE EAST BY NE 2 COURT, ON THE SOUTH BY THEORETICAL NE 138 STREET, AND ON THE WEST BY MEMORIAL HIGHWAY, KNOWN AND DESCRIBED AS BISCAYNE PARK STATION STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE MAYOR OR DESIGNEE TO PROVIDE FOR THE INSTALLATION OF STREETLIGHTS; APPROVING A STREET LIGHTING AGREEMENT WITH FLORIDA POWER AND LIGHT AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

**WHEREAS**, the public hearing was held during the meeting of this Board on Tuesday, June 2, 2020 ,beginning at 9:30 a.m. in the Commission Chambers, Stephen P. Clark Center, 111 NW 1<sup>st</sup> Street, Miami, Florida,

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

**Section 1.** In accordance with the provisions of Chapter 18 of the Code, a special taxing district to be known and designated as the Biscayne Park Station Street Lighting Special Taxing District in Miami-Dade County, Florida, is hereby created and established in the unincorporated area of Miami-Dade County.

**Section 2.** The area or boundaries of this Special Taxing District, generally bounded on the north by theoretical NE 139 Street, on the east by NE 2 Court, on the south by theoretical NE 138 Street, and the west by Memorial Highway, and located entirely within District 2, are as follows:

A portion of Section 19, Township 52 South, Range 42 East, Miami-Dade County, Florida (a.k.a. Biscayne Park Station, Tentative Plat # T-24296); being more particularly described as follows:

That part of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East, lying West of the center line of Northeast 2<sup>nd</sup> Avenue, subject to the dedication of Biscayne Drainage Canal, Memorial Highway, and the East 25.00 feet of the Northeast 2<sup>nd</sup> Avenue, all lying and being in Miami-Dade County, Florida.

AND

That part of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East, lying West of the center line of Northeast 2<sup>nd</sup> Avenue, as shown on Map attached to Deed recorded in Deed Book 1952, at Page 509, of the Public Records of Miami-Dade County, Florida; subject to the dedication of Biscayne Drainage Canal, Memorial Highway, and Northeast 2<sup>nd</sup> Avenue, all lying and being in Miami-Dade County, Florida, as recorded in Official Records Book 20699, at Page 4585, of the Public Records of Miami-Dade County Florida.

LESS

That portion of the said North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 52 South, Range 42 East lying East of the Biscayne Drainage Canal and West of Memorial Highway all lying and being in Miami-Dade County, Florida.

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, labeled “Exhibit A” to the Report and made a part herein by reference.

**Section 3.** The improvements and/or services to be provided in this Special Taxing District will consist of street lighting services within public rights-of-way, as described in the Report.

**Section 4.** Miami-Dade County (County), as the developer of the property encompassed within the Special Taxing District, is responsible for the expected cost of creating the Special Taxing District including engineering, administration, and processing, for the first year, which is estimated to be \$3,852.84. The County will be providing street lighting services for the property located in the Special Taxing District. In the event the County sells the property or otherwise fails to provide the street lighting services, the Special Taxing District may be activated and the continuation of street lighting services will be accomplished pursuant to an agreement between Miami-Dade County, as administrator of the Special Taxing District, and Florida Power and Light. The expected cost of the Special Taxing District’s services for the first year of service is estimated to be \$5,485.80. The expected estimated cost per assessable front foot of real property within the Special Taxing District is \$ 8.2369. The succeeding years’ assessment will be adjusted based on actual costs.

**Section 5.** The entire cost of the Special Taxing District’s improvements and/or services shall be specially assessed. It is hereby declared that said improvements and/or services will be a special benefit to all properties within the Special Taxing District and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

**Section 6.** The proposed street lighting agreement between Miami-Dade County and Florida Power and Light is hereby approved and made a part hereof by reference. The provisions

of Resolutions No. R-130-06 are hereby waived because adoption of this Ordinance is a precursor to the future execution of said agreement, which will not occur until the Special Taxing District is activated.

**Section 7.** The County Mayor or County Mayor's designee and the Clerk or Deputy Clerk are hereby authorized and directed to execute at the appropriate time the incorporated street lighting agreement, in substantially the form attached hereto, for and on behalf of Miami-Dade County.

**Section 8.** If the Special Taxing District is activated, the County Mayor or County Mayor's designee is authorized and directed to cause the installation of said streetlights to be accomplished within the Special Taxing District in accordance with the provisions of said agreement and the terms of this Ordinance.

**Section 9.** If the Special Taxing District is activated, the County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk one Preliminary Assessment Roll for the street lighting services in accordance with the provisions of Sections 18-14 and 18-22.1 of the Code. As authorized by Section 197.3632, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. Unless paid when due, such special assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and Section 18-14 of the Code, including possible loss of title, to the extent authorized by law.

**Section 10.** A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

**Section 11.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code.

**Section 12.** The provisions of this Ordinance shall become effective ten days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

June 2, 2020

Approved by County Attorney as  
to form and legal sufficiency:

APW

Prepared by:

DPL

Daija Page Lifshitz