

Date: (Public Hearing: 7-21-20)
June 16, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Creating the Park Apartments Multipurpose Maintenance and Street Lighting
Special Taxing District

Agenda Item No. 5(B)

Ordinance No. 20-67

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 Park Apartments Multipurpose Maintenance and Street Lighting Special Taxing District (Special Taxing District). The creation of this Special Taxing District is a subdivision requirement pursuant to Chapter 28 of the Code. The multipurpose maintenance program will remain dormant until any association or community development district (CDD) fails to provide the required maintenance services.

Scope

This proposed Special Taxing District lies within Commission District 9, which is represented by County Commissioner Dennis C. Moss, and will provide street lighting services and, if and when necessary, multipurpose maintenance services.

Fiscal Impact/Funding Source

Creation of this Special Taxing District will result in no economic impact to the Miami-Dade County (County) budget and there will be no increase or decrease in County staffing. The developer, pursuant to Chapter 18 of the Code, is required to fund the Special Taxing District's first year's lease of the equipment and electricity costs to operate the street lighting system and all incidental costs incurred by the County for the creation and administration of the Special Taxing District. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the Special Taxing District upon acceptance of the plat's required services by the County, and such services will be funded by special assessments against benefited properties.

After the first year, there will be a perpetual annual special assessment for the cost of street lighting and multipurpose maintenance services to all property owners within the Special Taxing District. Homestead Energy Services (HES) is the owner of the system and will derive revenues from the creation of the Special Taxing District. HES's contractors and subcontractors may increase their 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, 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. The creation of this Special Taxing District will also provide for maintenance services.

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/Monitor

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 the 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 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, the street lighting services will be accomplished pursuant to an agreement between the County and HES. The facilities provided will remain the property of HES. HES 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 HES's agreement, installation, and billing process. PROS and the Division will provide the Special Taxing District's required maintenance services and cause implementation of special assessments for the costs of such services against the benefited properties, as well as contract monitoring, compliance and enforcements, if and when necessary. This Special Taxing District lies within the boundaries of, and is compliant with the regulations of the Leisure City Community Urban Center District.

Boundaries:	On the North, SW 286 Street; On the East, SW 152 Avenue (Kingman Road); On the South, Theoretical SW 287 Street; On the West, Theoretical SW 152 Court.
Number of Parcels:	1 (Tentative plat proposes 92 apartment units).
Number of Owners:	1
Number of Owners With Homestead Exemption Signing Petition:	None – The petition was submitted by 152 nd Avenue, LLC., the sole property owner and developer.
<u>Type of Services and Improvements</u> Multipurpose Maintenance Services:	The creation of this Special Taxing District is requested to maintain landscaped swales, medians, common areas, any entrance features, wetlands, lakes, and the exterior of any fencing or walls within the Special Taxing District’s boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments, should any association or CDD fail to provide these services. The Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to the County and recorded in the Public Records.
Street Lighting Improvements:	It is expected that the Special Taxing District will install, operate, and maintain three (3) – 16,000 lumen sodium vapor bracket-arm streetlights mounted on concrete 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 spotlighting at specific locations, and to accommodate future County lighting standards.
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 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:

The street lighting assessment roll is submitted on the same agenda as a separate agenda item for consideration and adoption by the Board and contingent upon the approval of this Special Taxing District's creating ordinance. In the event any association or CDD fails to provide the maintenance services shown below, a hearing to adopt the Special Taxing District's maintenance assessment roll will be conducted. The implementation of the assessment rolls 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.

Initial Start of Service

Multipurpose Maintenance Services:

October 1st following cessation of maintenance services by the developer and failures of any association or CDD to provide services.

Street Lighting Services:

November 2021, following the provision of street lighting services by the developer for the first year.

Method of Apportionment

Maintenance Services:

Square Footage

Street Lighting Services:

Front Footage

<u>Estimated Annual Total District Costs</u>	<u>First Year</u>	<u>Second Year</u>
Maintenance Services:	\$0.00	\$7,149.60
Street Lighting Services:	\$9,659.51	\$1,354.35

<u>Estimated Annual District Rates</u>	<u>First Year</u>	<u>Second Year</u>
Maintenance Services:	Provided by	\$0.0809
Street Lighting Services:	Petitioner	\$4.5755

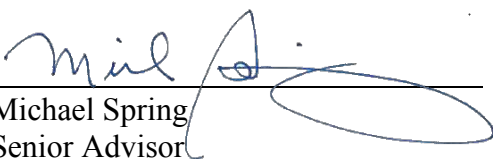
<u>Estimated Annual District Assessments</u>		
Maintenance Services:	<u>First Year</u>	<u>Second Year</u>
For Tract A:	Provided by	\$7,149.60
	Petitioner	
Street Lighting Services:	<u>First Year</u>	<u>Second Year</u>
For Tract A:	Provided by	\$1,354.35
	Petitioner	

The above annual costs and assessment information for multipurpose maintenance services are for informational purposes only and were calculated based on current costs assuming that maintenance services were to commence this year. Actual costs for multipurpose maintenance services will be determined at the time of the assessment roll hearing. The above annual street lighting 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 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 service 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 Sections 18-2 and 18-22.1 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 development within the Special Taxing District occurs.


Michael Spring
Senior Advisor

**REPORT AND RECOMMENDATIONS ON THE CREATION
OF PARK APARTMENTS
MULTIPURPOSE MAINTENANCE AND 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 Park Apartments Multipurpose Maintenance and 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 parcel of land lying in Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

NE ¼ of the SE ¼ of the SE ¼ of the NW ¼, less the North 31.00 feet thereof, Section 4, Township 57 South, Range 39 East, lying and being in Miami-Dade, County, Florida (a.k.a. Park Apartments, Tentative Plat #T-24243).

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

2. LOCATION AND DESCRIPTION OF DISTRICT

A) Multipurpose Maintenance Services – Maintenance of landscaped swales, medians, common areas, any entrance features, wetlands, lakes, and the exterior of any fencing or walls within the Special Taxing District's boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments, should any association or community development district (CDD) fail to provide these services. The Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to Miami-Dade County (County) and recorded in the Public Records. Services will commence following failure of any association or CDD to provide these services, and upon adoption of the Special Taxing District's multipurpose maintenance preliminary assessment roll. Other maintenance services may be provided in the future as specified in the Special Taxing District's ordinance and amendments thereto.

B) Street Lighting Services – Installation, operation, and maintenance of public street lighting located within public rights-of-way.

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

A) Multipurpose Maintenance Services – This initial cost estimate has been developed by PROS based on previous estimates for similar maintenance special taxing districts. The Special Taxing District will provide multipurpose maintenance services as specified in Item 2 above.

The combined costs of the multipurpose maintenance programs and operation of the Special Taxing District including services, engineering, administration, billing, collecting, and processing for

the first year will be provided by the petitioners, and these costs are estimated for report purposes at \$7,149.60 for the second year. The expense of the multipurpose maintenance programs will be continuous and service costs following implementation of the Special Taxing District are to be apportioned to individual properties within the Special Taxing District on the basis of lot or parcel square footage. The combined costs of the multipurpose maintenance program and administrative expenses as shown below are to be paid for by special assessments levied against all benefited properties. Actual multipurpose maintenance costs will then be adjusted annually each year thereafter based on actual expenses.

<u>Estimated Annual District Costs</u>	<u>First Year</u>	<u>Second Year</u>
Initial Annual Maintenance	Costs to be	\$4,840.00
Engineering and Administrative Costs	Provided by	
	Petitioner	\$968.00
Billing, Collecting and Processing Costs		\$150.00
Contingencies		<u>\$1,191.60</u>
Total Annual Maintenance Services Cost		\$7,149.60
<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Square Foot:	Costs to be	\$0.0809
For Tract A:	Provided by	\$7,149.60
	Petitioner	

B) Street Lighting Services – The cost of the streetlights in this Special Taxing District will be continual and is based on a preliminary estimate using City of Homestead Roadway Lighting Rate Schedule prepared by Homestead Energy Services (HES) and approved by the Florida Public Service Commission, a copy of which is attached. HES will install the lights, poles, and service lines at its expense and the facilities will remain the property of HES. HES will be responsible for the maintenance, repairs, upgrades, and replacement of the light standards, fixtures, lamps, and all connecting service lines. However, the developers, through the Special Taxing District, may be required to pay a differential cost if rapid construction techniques cannot be used on this Special Taxing District and this cost is shown in the Special Taxing District's cost estimate below. Actual costs for the second year and each year thereafter will then be adjusted annually based on actual expenses.

<u>Estimated Annual District Costs</u>	<u>First Year</u>	<u>Second Year</u>
3 – 16,000 Lumen Sodium Vapor Luminaries	\$279.72	\$279.72
3 – Concrete Poles	\$244.80	\$244.80
540 Ft. – Underground Wiring	\$298.53	\$298.53

<u>Estimated Annual District Costs (Cont'd)</u>	<u>First Year</u>	<u>Second Year</u>
Annual Fuel Adjustments (Based on 2,160 KWH at \$0.07443 Per KWH)	\$160.77	\$160.77
Franchise Cost (Based on 9.297% of \$983.82)	<u>\$91.47</u>	<u>\$91.47</u>
Subtotal Street Lighting Services Costs	\$1,075.29	\$1,075.29
Engineering and Administrative Costs	\$5,217.23	\$17.23
Billing, Collecting and Processing Costs	\$1,207.05	\$150.00
HES Restoration Costs	\$900.00	\$0.00
Contingencies	<u>\$1,259.94</u>	<u>\$111.83</u>
Street Lighting Costs Paid By Petitioner	\$9,659.51	
Total Annual Street Lighting Costs		\$1,354.35
<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	Costs to be	\$4.5755
For Tract A:	Provided by Petitioner	\$1,354.35
<u>Estimated Combined Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
For Tract A:	Costs to be Provided by Petitioner	\$8,503.95

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 multipurpose maintenance programs and 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 multipurpose maintenance and 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 petitioners for the first year street lighting costs as specified above. Upon approval of the petitioner's plat by the Board, and at the time of service provision, the multipurpose maintenance lot or parcel square footage first year annual rate of the assessment shall be determined and will require the adoption of a multipurpose maintenance assessment roll by the Board and is predicated upon failure of any association or CDD to provide required maintenance services. The multipurpose maintenance square footage rate of the assessment for the second year and each year thereafter will then be adjusted annually based on actual expenses. The above annual costs and assessment information for multipurpose maintenance services are for report purposes only and were calculated based on current costs assuming that maintenance services were to commence this year.

Subsequently, and upon adoption of the petitioner's plat by the Board, the County may then enter into an agreement with HES in substantially the form attached herein, wherein the County will pay to HES any costs associated with the streetlight installation and ongoing costs of service. Based on front footage, each property owner within the proposed Special Taxing District will pay the County, through a special assessment, a proportionate share of the total annual costs for the second year and each year thereafter. In the event actual second year street lighting costs are lower than the costs estimated herein, the Director of PROS shall adjust and decrease the second year rate of the assessment. In the event actual second year street lighting costs are higher than estimated herein, the second year rate of the assessment shall not be increased prior to the Board adopting a revised street lighting assessment roll.

A) Multipurpose Maintenance Services – Contingent upon adoption of the petitioner's plat and multipurpose maintenance assessment roll by the Board, and prior to assumption of maintenance services by the County, all areas and facilities to be maintained by the Special Taxing District must be inspected and accepted by the County, and all instruments that convey title to, or provide ingress/egress over, any real property to be maintained by the County shall be submitted to the Special Assessment Districts Division of PROS. Maintenance of any lake, natural preservation area, archeological sites, and mitigation area within the Special Taxing District's boundaries to be maintained by the Special Taxing District will commence upon notice from RER that the developer has complied with any and all maintenance requirements imposed by RER.

Once any applicable provisions expressed above are met, implementation of maintenance services within or abutting the public rights-of-way may begin upon receipt of a written request from the developer no later than January 31st for services commencing October 1st, the beginning of the County's fiscal year, provided sufficient time to initiate the process of assessment and notice of collection to all property owners within the Special Taxing District.

Services within the private road area may commence upon failure of the developer or any association or CDD to maintain the landscaped areas and ingress/egress easements as defined in a "Grant of Perpetual Non-Exclusive Easement" and made a part herein by reference. Upon assumption of maintenance services by the Special Taxing District, the costs of which are estimated in the Special Taxing District's cost estimate, any increase in future multipurpose maintenance functions within the scope of service for the Special Taxing District may be provided upon recommendation by a majority of the property owners for consideration by the County as administrator, provided that any expansion of the scope of service of the Special Taxing District may require adoption of an amending ordinance. The Special Taxing District shall provide a minimum level of service as determined by PROS and services may not be deleted entirely unless the Special Taxing District is abolished.

However, because costs and/or maintenance service levels may increase, the estimated annual expense, as indicated herein, can only be based on the initial maintenance program. After the first year, the costs of the multipurpose maintenance program will therefore require adjustment annually through the budget process performed by PROS as administrator of the Special Taxing District.

B) Street Lighting Services – As provided for under Chapter 18 of the Code, the property owners or developers within the proposed Special Taxing District shall guarantee payment of all costs and expenses incidental to the creation of the Special Taxing District and shall pay the entire cost of providing street lighting within the Special Taxing District for the first year. Upon adoption of the petitioner's plat by the Board, HES will install the lights, poles and service lines at its expense, with annual service/rental costs to be borne by the Special Taxing District's property owners. The County may then enter into an agreement with HES wherein the County will pay to HES any costs associated with the streetlight installation, and for the annual costs of providing the streetlight services. These amounts will be charged during the first year's operation against funds advanced by the petitioners. Based on front footage, each property owner within the proposed Special Taxing District will pay the County, through a special assessment, a proportionate share of the total annual street lighting costs each year thereafter.

7. RECOMMENDATION

I recommend that Park Apartments Multipurpose Maintenance and 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 and Section 18-22.1 permitting a petition of all property owners for multipurpose maintenance services. 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 Park Apartments Multipurpose Maintenance and 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 adoption of the creating ordinance, it is further recommended that the Board adopt the Special Taxing District's Preliminary Assessment Roll(s) Resolution. 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 involved in the creation and establishment of the Special Taxing District, as well as provide funds for payment of the annual costs for the multipurpose maintenance 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 HES Roadway Lighting Rate Schedule
(3) Copy of HES Street Lighting Agreement Form
(4) Copy of Memo from Department of Regulatory and Economic Resources
(5) District Boundaries and Geographical Location Sketch (Exhibit A)

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
M E M O R A N D U M

TO: Lorena Guerra-Macias
Chief, Special Taxing Districts Division

FROM: Ryan Carlin 
Assistant County Attorney

DATE: May 18, 2020

SUBJECT: Park Apartments Multipurpose Maintenance and
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 the purposes stated within the Petition, provided that the areas to be maintained are adjacent to or accessible from the public right of way, and are accessible to or usable by the public.

Memorandum



Date: May 14, 2020

To: Melissa Adames, Interim Director
Office of the Clerk of the Board
Attn: Shania Momplaisir

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

Subject: Park Apartments Multipurpose Maintenance and Street Lighting
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 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 an owner and/or individual signing in his 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>1</u> |
| 2. | Total number of owners of property within district boundaries | <u>1</u> |
| 3. | Total number of resident owners within district boundaries
(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
in an official capacity | <u>1</u> |
| 6. | Percentage of owners or representatives signing the petition
in their official capacity | <u>100%</u> |

Pursuant to Section 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

cc: Ryan Carlin

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

PAGE 1 OF 4

10/23/19

Document Preparation
Date

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE AND STREET LIGHTING SPECIAL TAXING DISTRICT

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

We, the undersigned property owners, 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 of an intensity of 16,000 up to 50,000 lumens, mounted on concrete, fiber glass or existing poles; landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). 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) Park Apartments

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 and other improvements 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
152 nd Avenue, LLC	13710 S.W. 134 th Street Miami, FL 33186		30-7904-000-0420
		MORE FULLY	
		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT A"	

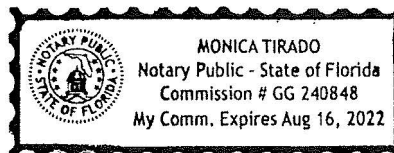
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PLACE NOTARY STATEMENT AND STAMP HERE:

By: 152ND AVENUE, LLC

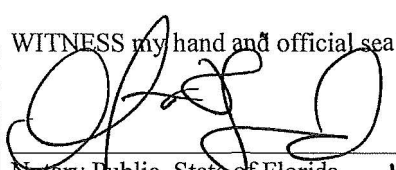
LEONARDO J. AMBARD,
AUTHORIZED REPRESENTATIVE

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)



I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared LEONARDO J. AMBARD, the Authorized Representative of 152ND AVENUE, LLC, a Florida limited liability company, personally known to me, or who produced identification in the form of driver's license, and who executed the foregoing resolution and acknowledged before me that LEONARDO J. AMBARD executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 23rd day of October, 2019.


Notary Public, State of Florida

My Commission expires 8/16/2022

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT KNOWN AS **PARK APARTMENTS**
DATED OCTOBER 23, 2019 FOR THE CREATION OF SPECIAL TAXING
DISTRICT.

Legal Description:

NE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4, less the North 31 Feet thereof, Section
4, Township 57 South, Range 39 East, lying and being in Miami-Dade, County

Florida Folio No.: 30-7904-000-0420

EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS PARK APARTMENTS, DATED OCT 23, 2019 FOR THE CREATION OF A STREET LIGHTING AND MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT.

AREAS TO BE MAINTAINED:

BEAMS AND LANDSCAPING ALONG THE SOUTH RIGHT OF WAY OF SW 286TH STREET
BEAMS AND LANDSCAPING ALONG THE WEST RIGHT OF WAY OF SW 152ND AVE

MAINTENANCE SCHEDULE:

A.) LAWN/GRASS

- 1) CUT AS REQUIRED
- 2) FERTILIZE AND WEED CONTROL AS NEEDED
- 3) TREAT FOR PESTS/DISEASES AS NEEDED
- 4) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME
- 5) MULCHING – PERFORMED TWICE A YEAR OR AS NEEDED

B.) TREES/SHRUBS

- 1) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
- 2) REPLACE AS REQUIRED

Note: THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE **DORMANT**. SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A “GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT” SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER’S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT’S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT’S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

BEAMS AND LANDSCAPING ALONG THE SOUTH RIGHT OF WAY OF SW 286TH STREET
BEAMS AND LANDSCAPING ALONG THE WEST RIGHT OF WAY OF SW 152ND AVE

equipment and average energy cost to the city. There shall be no prorating of rental outdoor lighting charges.

- (1) *Rental charge—Roadway and public property lighting:*

*High Pressure Sodium Vapor
(Fixture type: Open bottom, cobra head, directional)*

<i>Fixture Type</i>	<i>Lamp Initial Lumens</i>	<i>Lamp Watts</i>	<i>KWH/Mo Estimate</i>	<i>Monthly Rental Rate*</i>
Open bottom	9,500	100	35	\$ 7.65
Cobra head	16,000	150	57	9.76
Cobra head	27,500	250	121	12.90
Cobra head	50,000	400	182	17.64
Directional	16,000	150	57	10.56
Directional	27,500	250	121	13.41
Directional	50,000	400	182	17.87

*plus power cost adjustment.

*High Pressure Sodium Vapor
(Decorative lighting—Underground distribution only)*

<i>Fixture Type</i>	<i>Lamp Initial Lumens</i>	<i>Lamp Watts</i>	<i>KWH/Mo Estimate</i>	<i>Monthly Rental Rate*</i>
Traditional	9,500	100	35	\$ 7.71
Traditional	16,000	150	57	9.76
Contemporary	9,500	100	35	8.82
Contemporary	16,000	150	57	9.76
Contemporary	27,500	250	121	14.05
Acorn	9,500	100	35	10.92
Acorn	16,000	150	57	11.66

*plus power cost adjustment.

When a pole is required and electric service is overhead, the monthly charge for each pole shall be:

Wood pole	\$6.26
Concrete pole	7.09

12' fiberglass pole
(Washington style)

13.55

Where the distribution system is underground, the monthly charge for rental of the pole required to mount the light fixture shall be:

Concrete pole	\$ 7.22
20' fiberglass pole	6.61

(2) *Rental charge—Rental outdoor lighting:**High Pressure Sodium Vapor
(Fixture type: Open bottom, cobra head, directional)*

<i>Fixture Type</i>	<i>Lamp Initial Lumens</i>	<i>Lamp Watts</i>	<i>KWH / Mo Estimate</i>	<i>Monthly Rental Rate*</i>
Open bottom	9,500	100	35	\$ 9.47
Cobra head	16,000	150	57	12.54
Cobra head	27,500	250	121	15.83
Cobra head	50,000	400	182	24.40
Directional	16,000	150	57	12.83
Directional	27,500	250	121	15.79
Directional	50,000	400	182	24.60

*plus power cost adjustment.

When a pole is required and electric service is overhead, the monthly charge for each pole shall be:

Wood pole \$6.26

Concrete pole 7.09

(3) *Charges for customer owned street lighting metal halide and high pressure sodium vapor:*

<i>Fixture Type</i>	<i>Lamp Watts</i>	<i>KWH/Mo Estimate</i>	<i>Monthly Energy Only</i>	<i>Monthly Energy and Maintenance</i>
Sodium Vapor	150	57	\$4.03	\$7.03
Sodium Vapor	250	121	11.55	14.55
Sodium Vapor	400	182	15.87	18.87
Metal Halide	175	67	4.74	10.89
Metal Halide	250	121	8.55	14.70
Metal Halide	400	182	12.87	19.02

(Ord. No. 88-02-12, § IX, 2-15-88; Ord. No. 95-05-26, § 1, 6-5-95; Ord. No. 2001-09-29, § 3, 9-19-01; Ord. No. 2006-04-10, § 2, 4-3-06)

Sec. 28-257. Service availability.

Service availability and application, installation, term of service, relocation of facilities and

maintenance and repair of lighting fixtures shall be in accordance with chapter 28, sections 28-351 through 28-405.

(Ord. No. 95-05-26, § 1, 6-5-95)

Secs. 28-258—28-270. Reserved.**DIVISION 3. BILLING PROCEDURE****Sec. 28-271. Bills due and payable.**

Electric bills shall be paid by all customers of the electrical system on or before the due date shown on the statement rendered the customers. (Ord. No. 88-02-12, § IV, 2-15-88)

Sec. 28-272. Delinquent bills.

(a) If the amount of electric charges shown on the monthly bill is not paid as of the due date, a one and one-half (1.5) percent late payment charge will be applied to the amount due. The monthly bill shall stipulate a disconnect date if there is a past due amount reflected on the bill. Once disconnected, service shall not be restored until the amount due, late fee, and all reconnect charges are paid in full.

(b) *Medically essential services.* For purpose of this subsection, a medically essential service customer is a residential customer whose electric service is medically essential, as affirmed through the current certificate of a physician licensed

GOVERNMENTAL ROADWAY LIGHTING AGREEMENT

Billing Account Number: _____

IN THIS AGREEMENT made this _____ day of _____, 20____, by and between _____

(name and description of customer project)

it's successors and assigns (hereinafter referred to as "Customer") and the City of Homestead, Florida, a municipal corporation organized and existing under laws of the State of Florida (hereinafter referred to as "City"), in accordance with the following terms and conditions, the Customer requests from the City the following installation, removal or modification of roadway lighting facilities along _____

(General description of boundaries)
located in _____, Florida.
(City / County)

Installation / Removal of City owned facilities described as follows:

Install Quantity	Fixture Rating (Lumens)	Lamp Type (HPSV, etc.)	Remove Quantity	Fixture Rating (Lumens)	Lamp Type (HPSV, etc.)

Quantity I=Installed R=Removed	Pole Type (Wood, etc.)	Underground Conductors			
		Feet Under Paving		Feet Not Under Paving	

Modification to existing facilities other than described above:

May 8, 2001

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NOW THEREFORE, in consideration of the mutual covenants, terms and conditions herein set forth, the parties hereto covenant and agree as follows:

CITY AGREES TO:

1. Install or modify the roadway lighting facilities described and identified above (hereinafter called the Roadway Lighting System).
2. Furnish to the Customer the electric energy necessary for the operation of the Roadway Lighting System, and furnish such other services specified in this Agreement, all in accordance with the terms of the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

CUSTOMER AGREES TO:

3. Purchase from the City all electric energy consumed for the operation of the Roadway Lighting System.
4. Be responsible for the payment, when due, of all bills issued by the City pursuant to the City's currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority, for the electric energy, facilities and service furnished by the City in accordance with this Agreement.
5. 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 underground facilities within or near pole or trench locations, and appropriate plats necessary for planning and completing the construction of City facilities associated with the Roadway Lighting System.
6. Perform any clearing, compacting, removal of stumps or other obstructions that conflict with construction, and drainage of rights-of-way or easements required by the City to accommodate the roadway lighting facilities.
7. Pay a contribution in the amount of \$ _____ prior to the commencement of the requested installation or modification.

IT IS MUTALLY AGREED THAT:

8. 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 ten (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. Such written notice shall be by certified mail and shall be given not less than ninety (90) days before the date of expiration of the initial ten(10) year term, or any extension thereof.

May 8, 2001

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9. Modifications to the facilities provided by the City under this Agreement, other than for maintenance, may only be made through the execution of an additional Roadway Lighting Agreement delineating the modifications to be accomplished. Modification of City roadway lighting facilities is defined as the addition of roadway lighting facilities; the removal of roadway lighting facilities and the replacement of such facilities and /or additional facilities.

Modifications will be subject to the costs identified in the currently effective Roadway Lighting rate schedule or any successive Roadway Lighting rate schedule approved by the appropriate regulatory authority.

10. At the request of the Customer, the City will relocate the roadway lighting facilities covered by this agreement, if provided sufficient right-of-ways or easements to do so. The Customer shall be responsible for the payment of all costs associated with any such requested relocation of City roadway lighting facilities. Payment shall be made by the Customer in advance of any relocation.
11. The City may, at anytime, substitute for any luminaire/lamp installed hereunder another luminaire/lamp which shall be of at least equal illuminating capacity and efficiency.
12. In the event roadway 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 the payments to the City of an amount equal to the original installed cost of the facilities provided by the City under this Agreement less any salvage value and any depreciation (based on current depreciation rates as approved by the City Finance Director) plus removal cost.
13. Should the Customer fail to pay any bills rendered and due pursuant to this Agreement or otherwise fail to perform the obligations contained in this Agreement, such obligations being material and going to the essence of this Agreement, the City, at any time thereafter, may cease to supply electric energy or service until the Customer has paid the bills due or has fully cured such other breach of this Agreement. Any failure of the City 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 the City, 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 causes not under the control of the party thus prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of the City, 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 shall inure to the benefit of, and be binding upon the successors and assigns of the parties.
16. Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver, or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect, nor shall either party be stopped to enforce or to seek relief from prior breach.

17. This Agreement constitutes the entire Agreement between the parties with respect to the facilities referenced herein and supersedes all prior Agreements or representations, either oral, written or otherwise 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 the City to any third parties.
18. This Agreement is subject to the General Rules and Regulations for Electric Service and the Ordinances of the City of Homestead, 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 General Rules and Regulations for Electric Services and the Ordinances of the City of Homestead, the provisions of the General Rules and Regulations shall control, as they are now written, or as they may be hereafter revised, amended or supplemented. If any term or provision of the Agreement shall be held invalid or unenforceable, the remaining terms and provisions of the Agreement shall remain in full force and effect and such invalid, illegal or unenforceable term or provision shall be deemed not to be a part of this Agreement.

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

Charges and Terms Accepted:

City of Homestead

Customer (Print or type name of Organization)

By: _____
Signature (Authorized Representative)

By: _____
(Signature)

(Print or type name)

(Print or type name)

TITLE: _____

TITLE: _____

May 8, 2001

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Memorandum



Date: February 12, 2019

To: Maria Nardi, Director
Department of Parks, Recreation and Open Spaces

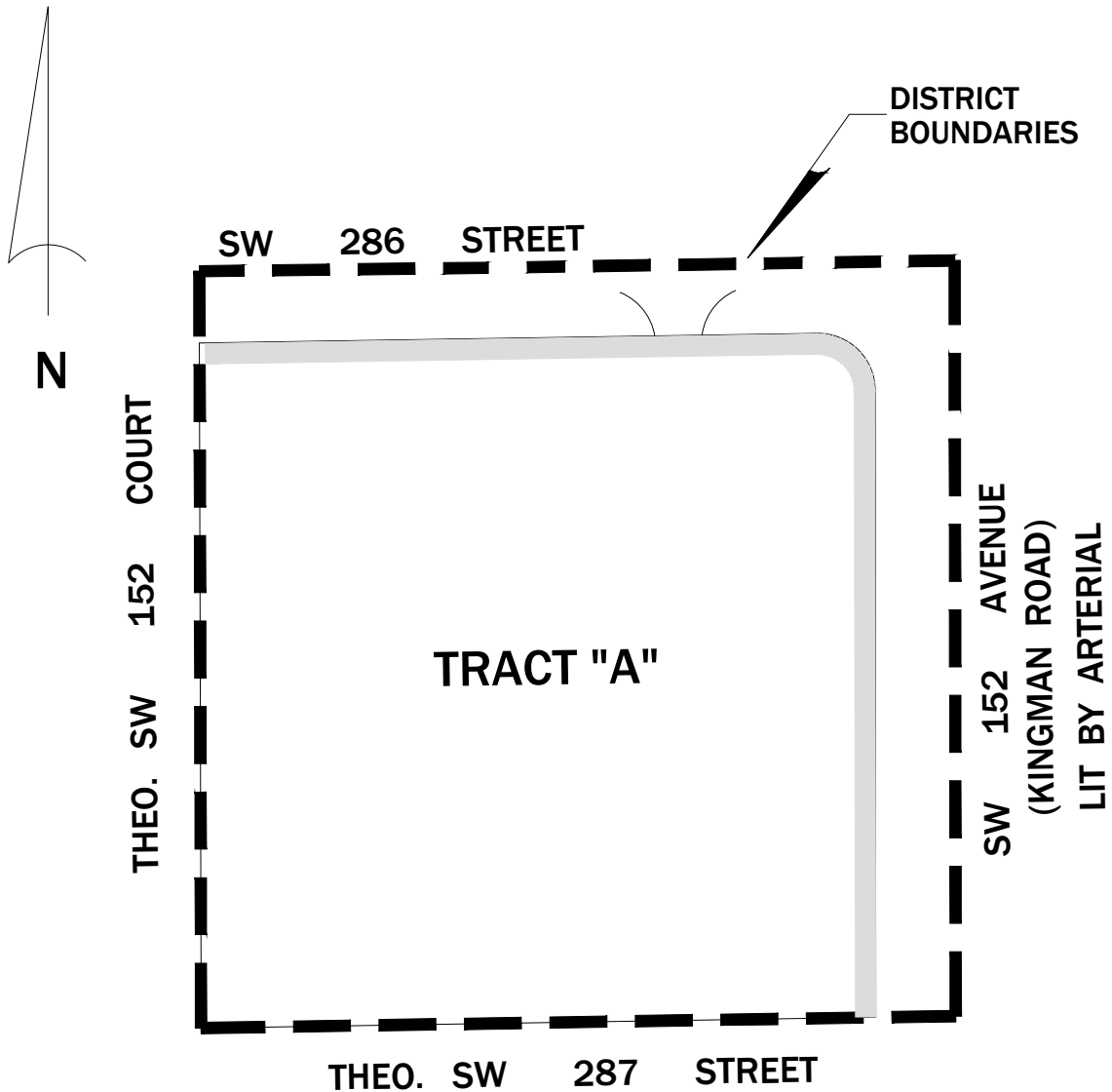
From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

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/Detention Areas.

JO:LG:NK:JB:GR:VS



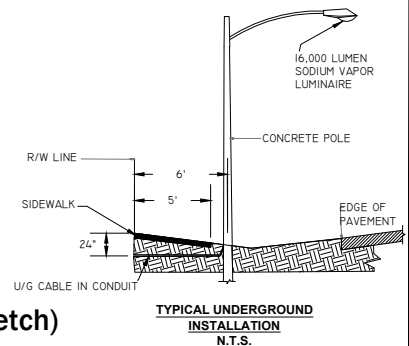
PARK APARTMENTS

MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT

- 3- 16,000 LUMEN SODIUM VAPOR BRACKET-ARM
STREETLIGHTS MOUNTED ON CONCRETE POLES.



SHADING DENOTES AREAS TO BE MAINTAINED. SEE
ATTACHED SHEET FOR SERVICE DESCRIPTIONS AND
LOCATIONS.



L-1425 / M-820 (COMM. 0009)
SECTION: 04 - 57 - 39

EXHIBIT "A"
(Boundaries and Geographical Location Sketch)

ATTACHMENT TO EXHIBIT “A”
PARK APARTMENTS
MULTIPURPOSE MAINTENANCE
AND STREET LIGHTING SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:

Berms and landscaping along the western side of SW 152 Avenue (Kingman Road) and the southern side of SW 286 Street adjacent to public right-of-way.

MAINTENANCE SCHEDULE:

- A) Lawn/Grass
 - 1) Cut bi-monthly as required
 - 2) Fertilize and weed control as needed
 - 3) Treat for pests/diseases as needed
 - 4) Irrigate with automatic system and electrical service for same
 - 5) Mulching – performed twice a year or as needed
- B) Trees/Shrubs
 - 1) Trim, fertilize and treat for pests as needed
 - 2) Replace as required

NOTE: This Special Taxing District encompasses a private drive community and the multipurpose maintenance component of the district shall be **dormant**. Service will only commence following failure (as defined in a “grant of perpetual non-exclusive easement” submitted at the same time as this petition) of any property owner’s association and/or community development district to provide the required services. Assumption of maintenance services shall commence following adoption of this district’s multipurpose maintenance assessment roll by the Board of County Commissioners at a public hearing. Other maintenance services may be provided in the future as specified in the district’s ordinance and amendments thereto. In the event this district is activated, the following areas may be maintained:

Berms and landscaping.



MEMORANDUM

(Revised)

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

DATE: July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
7-21-20

ORDINANCE NO. 20-67

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY SW 286 STREET, ON THE EAST BY SW 152 AVENUE (KINGMAN ROAD), ON THE SOUTH BY THEORETICAL SW 287 STREET, AND ON THE WEST BY THEORETICAL SW 152 COURT, KNOWN AND DESCRIBED AS PARK APARTMENTS MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; AUTHORIZING AND DIRECTING THE MAYOR OR DESIGNEE TO CAUSE TO BE MAINTAINED AND OPERATED VARIOUS PUBLIC IMPROVEMENTS AND TO PROVIDE FOR THE INSTALLATION OF STREETLIGHTS; APPROVING A STREET LIGHTING AGREEMENT WITH HOMESTEAD ENERGY SERVICES 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, July 21, 2020 ,beginning at 9:30 a.m. in the Commission Chambers, Stephen P. Clark Center, 111 NW 1st 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 Park Apartments Multipurpose Maintenance and 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 SW 286 Street, on the east by SW 152 Avenue (Kingman Road), on the south by Theoretical SW 287 Street, and on the west by Theoretical SW 152 Court, and located entirely within District 9, are as follows:

A parcel of land lying in Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, less the North 31.00 feet thereof, Section 4, Township 57 South, Range 39 East, lying and being in Miami-Dade, County, Florida (a.k.a. Park Apartments, Tentative Plat #T-24243).

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 the following:

- A) Maintenance of landscaped swales, medians, common areas, any entrance features, and the exterior faces of any fencing or walls within the Special Taxing District’s boundaries abutting public rights-of-way, including maintenance of turf, trees, shrubs, irrigation, and utility payments should any association or community development district fail to provide these services. The Special Taxing District will also maintain the private road area if there is a failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.
- B) Street lighting services within public rights-of-way, as described in the Report.

Section 4. A) Multipurpose Maintenance – For the first year, services will be provided by petitioner. The combined costs of the multipurpose maintenance services and operations by the Special Taxing District, including engineering, administration, billing, collecting and processing, will be \$7,149.60 for the second year. It is estimated that the cost per assessable square foot of real property within the Special Taxing District for the multipurpose maintenance programs for the second year will be \$0.0809. The succeeding years' assessments will be adjusted based on actual costs.

B) Street Lighting Services – The installation of such street lighting will be accomplished pursuant to an agreement between Miami-Dade County and Homestead Energy Services. The expected costs of the installation and operation of the Special Taxing District's services, including maintenance, electricity, engineering, administration, billing, collection and processing, for the first year are provided by petitioners and estimated to be \$9,659.51. The expected costs of the Special Taxing District's services for the second year are estimated to be \$1,354.35. The expected estimated cost per assessable front foot of real property within the Special Taxing District for the second year is \$4.5755. The succeeding years' assessments 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. A) Multipurpose Maintenance – Miami-Dade County, as administrator of this Special Taxing District's maintenance programs, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the Report, which is made a

part hereof by reference. If there is a proposed significant change to the level of service to be provided, the Parks, Recreation and Open Spaces Department shall conduct a meeting in the community, inviting all affected Special Taxing District property owners for the purpose of reviewing the Special Taxing District's budget and level of service.

B) Street Lighting Services – The proposed street lighting agreement between Miami-Dade County and Homestead Energy Services is hereby approved and made a part hereof by reference. The provisions of Resolution 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 development within the Special Taxing District occurs.

Section 7. A) Multipurpose Maintenance – The County Mayor or County Mayor's designee is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the Special Taxing District in accordance with the provisions of this Ordinance.

B) Street Lighting Services – 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. 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. 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.

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: July 21, 2020

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Daija Page Lifshitz