

MEMORANDUM

Agenda Item No. 7(G)

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

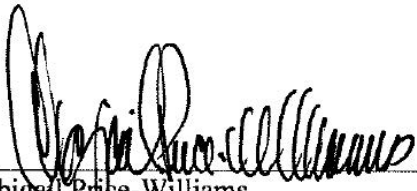
DATE: (Second Reading 10-6-20)
July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of North Miami, Florida, and amending the City's municipal charter to provide for the annexation of certain lands, pursuant to section 6.04(b) of the Home Rule Charter and chapter 20 of the Code; relating to area referred to as Gratigny-Dixie, which includes Area 1, generally described as the unincorporated area northwest of West Dixie Highway/ Harriet Tubman Highway, bounded on the north by Biscayne Canal and on the south by NE 119 Street, and Area 2, generally described as the unincorporated area bounded on the north by NE 121 Street, on the east by NE 1 Avenue, on the south by NE 119 Street and on the west by the City of North Miami city limits; providing for reservation to the County of utility tax revenues; providing for County retention of residential garbage and refuse collection and disposal unless certain circumstances occur; requiring payment of certain outstanding debt service attributable to the annexation area; providing for County retention of jurisdiction over certain declarations of restrictive covenants

Ordinance No. 20-107

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


Abigail Price-Williams
County Attorney

APW/smm

Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor



Subject: Fiscal Impact Statement for Ordinance Changing the Boundaries of the City of North Miami – Gratigny/Dixie Area

The proposed ordinance amends the municipal boundaries of the City of North Miami (City). It is estimated that the annexation area generates \$26,831 in revenue and costs the County approximately \$75,782 to service the area. Chapter 20 of the Miami-Dade County Code requires the County to keep utility taxes estimated at \$5,061. When added to the net savings, annexation of this area to the City will have a positive impact to the Unincorporated Municipal Service Area (UMSA) budget of \$59,073.

At the FY 2019-20 City millage rate of 7.5 mills, the ad valorem revenues attributable to the Areas are \$59,977. At the FY 2019-20 UMSA millage rate of 1.9283 mills, the ad valorem revenues attributable to the Areas are \$15,421. The expected tax increase for the annexation Areas is \$44,557. Based on the City's millage rate of 7.5 mills, the average property owner would pay an additional \$4,456 in property taxes should the annexation be approved, which is calculated by dividing the total increase by the number of properties in the annexation area.



Jennifer Moon
Deputy Mayor

Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor



Subject: Social Equity Statement for Ordinance Changing the Boundaries of the City of North Miami – Gratigny/Dixie Area

The proposed ordinance amends the municipal boundaries of the City of North Miami (City). If implemented, the annexation area will become part of the City's boundaries without an election as the area has under 250 resident electors. The residents and businesses in the Gratigny/Dixie area will be governed by the City and receive municipal-type services (police, public works, zoning, planning, permitting, etc.) from the City. Because the City's FY 2019-20 adopted millage rate is 7.5 mills and the UMSA millage rate is 1.9283 mills, should the annexation be approved, the average property owner would pay an additional \$4,456 in property taxes. It is important to note that the area consists of seven commercial and two residential properties.



Jennifer Moon
Deputy Mayor

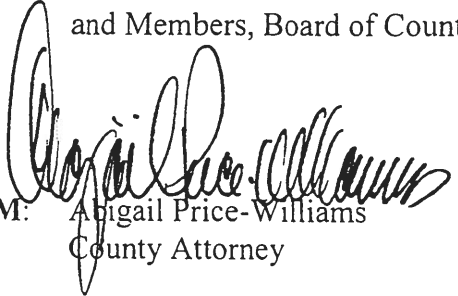


MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(G)

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. 7(G)

10-6-20

ORDINANCE NO. 20-107

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, FLORIDA, AND AMENDING THE CITY'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS, PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO AREA REFERRED TO AS GRATIGNY-DIXIE, WHICH INCLUDES AREA 1, GENERALLY DESCRIBED AS THE UNINCORPORATED AREA NORTHWEST OF WEST DIXIE HIGHWAY/ HARRIET TUBMAN HIGHWAY, BOUNDED ON THE NORTH BY BISCAYNE CANAL AND ON THE SOUTH BY NE 119 STREET, AND AREA 2, GENERALLY DESCRIBED AS THE UNINCORPORATED AREA BOUNDED ON THE NORTH BY NE 121 STREET, ON THE EAST BY NE 1 AVENUE, ON THE SOUTH BY NE 119 STREET AND ON THE WEST BY THE CITY OF NORTH MIAMI CITY LIMITS; PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF CERTAIN OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING FOR INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 6.04(B) of the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County ("Code") authorize the Board of County Commissioners ("Board") to approve changes to municipal boundaries; and

WHEREAS, on October 14, 2014, the City of North Miami ("City") submitted an application for the annexation of the unincorporated area referred to in the City's application as Gratigny-Dixie, adjacent to the City; and

WHEREAS, on February 19, 2020, the Board adopted Resolution No. R-202-20 directing the County Attorney to prepare the appropriate ordinance and interlocal agreement to effectuate the annexation request; and

WHEREAS, this Board wishes to change the boundaries of the City pursuant to its annexation request, which provides for the reservation to the County of certain revenues, rights, and responsibilities, as set forth herein,

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

Section 1. The municipal boundaries of the City of North Miami (“City”) are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of the following property (the “annexation area”):

Annexation by the City of North Miami

Gratigny – Dixie

Legal Description

That portion of the S 1/2 of the SE 1/4 of Section 25, Township 52, South Range 41 East, Miami-Dade County, Florida more particularly described as follows:

BEGINNING at the SE corner of the SW 1/4 of the SE 1/4 of said Section 25, thence Westerly, along the South line of said Section 25, to a point of intersection with the Southerly extension of the East Line of Lot 3, Block 12 of OVERBROOK SHORES NO 2 according to the plat thereof recorded in Plat Book 50 at Page 31 of the Public Records of Miami-Dade County, Florida; thence Northerly, along said Southerly extension and the East Line of Lots 3 and 28, to the Southwest corner of Lot 27; thence East, along the South line of said Lot 27, to the common corner of Lots 27 and 26; thence North, along the East line of Lot 26, to the Northeast corner of said Lot 26; thence East, along the South line of Lots 25 and 4 and its Easterly extension, to a point 450 feet North of the Southeast corner of the SW 1/4 of the SE 1/4 of said Section 25; thence North, along the West line of the SW 1/4 of the SE 1/4 of the SE 1/4 of said Section 25, to the point of intersection with a line 79.85 feet South of and parallel with the South line of the N 1/2 of the SE 1/4 of the SE 1/4 of said Section 25; thence Easterly, along said South line being also the Southerly right of way line of NE 121 Street as

shown on BREEZESWEPT ESTATES according to the plat thereof recorded in Plat Book 57 at Page 58 of the Public Records of Miami-Dade County, Florida to a point of intersection with the Westerly right of way line of NE 1 Avenue; thence Southerly, along said Westerly right of way line and the East line of the SW 1/4 of the SE 1/4 of the SE 1/4 to the POINT OF BEGINNING. AND

Those portions of Lots 1 and 2, Block 11 of MRS. JULIA D. TUTTLE according to the plat thereof recorded in Plat Book B at Page 4 and that portion of Block 12 of BELLEVUE BISCAYNE FIRST ADDITION according to the plat thereof recorded in Plat Book 9 at Page 108 of the Public Records of Miami-Dade County, lying in the SW 1/4, of Section 30, Township 52, South Range 42 East, Miami-Dade County, Florida and more particularly described as follows:

BEGINNING at the point of intersection of the North line of the S 1/2 of the S 1/2 of the S 1/2 of said Section 30 with the Center Line of West Dixie Highway over Biscayne Canal (C-8) as shown on BELLEVUE BISCAYNE according to the Plat thereof recorded in Plat Book 17 at Page 29 of the Public Records of Miami-Dade County, Florida; thence Southwesterly, along said Center Line of West Dixie Highway, to the point of intersection with the Center Line of NE 119 Street (Royal Poinciana Road) as shown on BELLEVUE BISCAYNE FIRST ADDITION; thence Northwesterly, along said Center Line of NE 119 Street, to a point of intersection with the South line of said Section 30; thence Westerly, along said South line of said Section 30, to the point of intersection with the Southwesterly extension of the Northwesterly line of the 12 feet alley across Block 12; thence Northeasterly, along the extended projection of the Northwesterly line of said 12 feet alley, for 73.10 feet to the Southeasterly line of Tract A as shown on SLS SHOPPING CENTER according to the Plat thereof recorded in Plat Book 80 at Page 25 of the Public Records of Miami-Dade County, Florida; the next five (5) described courses along the boundary of said Tract A; (1) thence continue Northeasterly, along the Southeasterly line of the aforesaid Tract A, for 110.16 feet to a point of intersection with the Westerly extension of the North line of Lots 16 and 17, Block 12; (2) thence Easterly, along said Westerly extension and the North line of Lots 16 and 17, for 77.95 feet to a point of intersection with a line 30 feet Northeasterly of and parallel with the Southwesterly line of said Lot 17; (3) thence Southeasterly, along said line 30 feet Northeasterly of and parallel with the Southwesterly line of said Lot 17, for 40.24 feet to the point of intersection with a line 15 feet Northwesterly of and parallel with the Southeasterly line of said Lot 17 and its Northeasterly extension; (4) thence Northeasterly, along said line 15 feet Northwesterly of and parallel, to the East line of Tract A; (5) thence Northerly, along the East line of said Tract A, to the North line of the aforesaid Tract A being also the North line of Lot 2, Block 11 of MRS. JULIA D. TUTTLE; thence Easterly, along said North line of Lot 2 which is also the North line of the S 1/2 of the S 1/2 of the S 1/2 of said Section 30, to the POINT OF BEGINNING.

The annexation area encompasses an area described by Resolution No. R-2013-100, adopted by the City, which resolution is attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexation area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

Section 2. Pursuant to section 20-8.2 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and receive all utility tax revenues accruing within the annexation area in the same manner as though the annexation area remained a part of the unincorporated area of the County.

Section 3. Pursuant to section 20-8.4 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexation area remained part of the unincorporated area of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a 20-year interlocal agreement which provides for collection services, and a 20-year interlocal agreement that provides for disposal services in substantially the form approved by Resolution No. R-709-96, as may be amended.

Section 4. Pursuant to section 20-8.8 of the Code, as a condition of the annexation, the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for the modification or deletion by a successor governmental body.

Section 5. The City shall execute a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to the above-mentioned requirements referenced in sections 2, 3, and 4 above, and to pay to the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$1,060.00 per year for approximately 19 years until fiscal year 2028-2029 or as provided in the interlocal agreement. The City has represented that it will enter into said interlocal agreement with the County, substantially in the form included in Resolution No. R-1026-20 (hereinafter, the "Interlocal Agreement"). In exercising the County's discretion to approve this annexation, the County has relied upon all of the representations in the Interlocal Agreement, including, but not limited to, those representations related to the above-mentioned requirements.

Section 6. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code in Appendix B – Ordinances Changing Municipal Boundaries. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 8. This ordinance shall be effective only upon the condition and with the reservation that the City and the County execute the Interlocal Agreement, substantially in the form included in Resolution No. R-1026-20_____, and that such Interlocal Agreement remain in effect.

Section 9. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: October 6, 2020

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature in black ink, appearing to be 'APW'.

Prepared by:

Handwritten signature in black ink, appearing to be 'ASR'.

Abbie Schwaderer-Raurell
James Eddie Kirtley

Prime Sponsor: Commissioner Jean Monestime

RESOLUTION NO. R-2013-100

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SUBMITTAL OF AN APPLICATION TO MIAMI-DADE COUNTY TO ANNEX INTO THE CITY OF NORTH MIAMI AN AREA KNOWN AS THE 'GRATIGNY-DIXIE ANNEXATION AREA', COMPRISED OF: 1) THE UNINCORPORATED AREA NORTHWEST OF WEST DIXIE HIGHWAY, FROM NORTHEAST 119TH STREET ON THE SOUTH-SIDE AND THE BISCAYNE CANAL ON THE NORTH-SIDE; AND 2) THE UNINCORPORATED AREA BORDERED ON THE NORTH-SIDE BY NORTHEAST 121ST STREET, ON THE EAST-SIDE BY NORTHEAST 1ST AVENUE, ON THE SOUTH-SIDE BY 119TH STREET, AND ON THE WEST-SIDE BY THE CITY LIMITS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, policy 8.1.7 of the City of North Miami ("City") Comprehensive Plan encourages the City to actively pursue development and growth management opportunities through several mechanisms including, but not limited to the potential of annexations where necessary; and

WHEREAS, the Mayor and City Council desire to annex the subject area known as the '*Gratigny-Dixie Annexation Area*', comprised of: 1) the unincorporated area northwest of West Dixie Highway, from Northeast 119th Street on the south-side and the Biscayne Canal on the north-side; and 2) the unincorporated area bordered on the north-side by Northeast 121st Street, on the east-side by Northeast 1st Avenue, on the south-side by 119th Street, and on the west-side by the City limits ("Subject Area"), as depicted in the attached map; and

WHEREAS, Policy 1.1.10 of the City's Comprehensive Plan requires that the City conduct a study to determine the feasibility of annexing areas situated within unincorporated Miami-Dade County and which are contiguous to the City's boundaries; and

WHEREAS, on July 9, 2013, the Mayor and City Council adopted Resolution R-2013-83, authorizing the City administration to conduct an analysis and collect data to determine the feasibility of annexing the Subject Area; and

WHEREAS, City administration completed its analysis of the proposed annexation and

determined that: 1) the annexation would benefit the City due to the Subject Area's commercial composition and strategic location on a major business corridor; and 2) located less than one (1) mile away, the Subject Area would benefit by its close proximity to City Hall and most City services, as opposed to Miami-Dade County which is located eight (8) miles away; and

WHEREAS, consistent with Miami-Dade County Code of Ordinances, formal notice of the City's intent to annex the Subject Area was published in a newspaper of general circulation, and provided to all property owners situated within the Subject Area, as well as six hundred (600) feet from the boundaries of the Subject Area; and

WHEREAS, City administration seeks authorization from the Mayor and City Council to file a formal annexation application with the Miami-Dade County Clerk, in accordance with the requirements of Section 20-3 of the Miami-Dade County Code of Ordinances; and

WHEREAS, the Mayor and City Council have reviewed the proposed annexation application and determined that it satisfies the goals, objectives and policies of the City's Comprehensive Plan and therefore, it is in the best interest of the City to proceed with the formal annexation application to Miami-Dade County.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

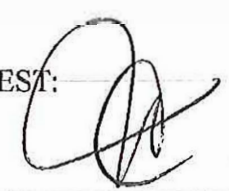
Section 1. Authorization to Submit Annexation Application. The Mayor and City Council of the City of North Miami, hereby approve the submittal of an application to Miami-Dade County to annex into the City of North Miami an area known as the 'Gratigny-Dixie Annexation Area', comprised of: 1) the unincorporated area northwest of West Dixie Highway, from Northeast 119th Street on the south-side and the Biscayne Canal on the north-side; and 2) the unincorporated area bordered on the north-side by Northeast 121st Street, on the east-side by Northeast 1st Avenue, on the south-side by 119th Street, and on the west-side by the City limits, as depicted in the attached map.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

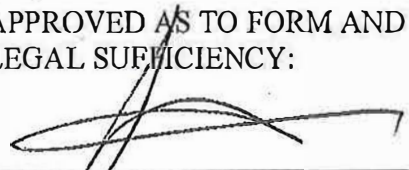
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 27 day of August, 2013.


LUCIE M. TONDREAU
MAYOR

ATTEST:


MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Councilman Bien-Aime

Vote:

Mayor Lucie M. Tondreau
Vice Mayor Marie Erlande Steril
Councilperson Scott Galvin
Councilperson Carol F. Keys, Esq.
Councilperson Philippe Bien-Aime

☒	(Yes)	☐	(No)
☒	(Yes)	☐	(No)
☒	(Yes)	☐	(No)
☒	(Yes)	☐	(No)
☒	(Yes)	☐	(No)

CERTIFICATION

I certify this to be a true and correct copy
of the record in my office.

WITNESSETH my hand and official seal
of the City of NORTH MIAMI

Florida, this the 25 day of

September 20 13
Peggy Viera, Deputy City Clerk

[illegible]

No expressed or implied warranties including but not limited to the implied warranties of merchantability or fitness for a particular purpose is made. User is warned the materials contained herein are provided "as is".