

Memorandum



Date: (Public Hearing: 10-5-21)
September 1, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Agenda Item No. 5(G)

Ordinance No. 21-103

Subject: Ordinance Creating the Waldin Drive Estates 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 Waldin Drive Estates 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.

Scope

This proposed Special Taxing District lies within Commission District 8, which is represented by County Commissioner Danielle Cohen Higgins, and will provide street lighting 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.

After the first year, there will be a perpetual annual special assessment for the cost of street lighting 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 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 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 for 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/Monitor

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

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee to execute lighting agreements, as required by HES to provide street lighting, following approval by the County Attorney’s Office as to legal sufficiency.

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 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.

Boundaries:

On the North, theo. SW 281 Street;
On the East, SW 157 Avenue;
On the South, theo. SW 282 Street;
On the West, theo. SW 157 Passage.

Number of Parcels:

1 (Tentative plat proposes 6 single-family homes)

Number of Owners:

1

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

None – The petition was submitted by Eureka
Gardens, LLC., the sole property owner and developer.

Type of Improvements:

It is expected that the Special Taxing District will install, operate, and maintain three (3) – 70 Watts, 4000K bracket-arm LED streetlights mounted on new concrete poles and one (1) – 70 Watts, 4000K bracket-arm LED streetlight mounted on an existing wood pole. At the discretion of the PROS Director, PROS reserves the right to adjust the quantity, style, and luminosity of the street lighting installations, 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 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 the Board’s approval; no election will be necessary as 100% of the property owners signed the petition.

Preliminary Assessment Roll:

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. The implementation of the

assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.

Estimated Completion: Fall 2022

Estimated Initial Billing: November 2023. Assessment billed annually as an itemized portion of the Real Property tax bill.

	<u>First Year</u>	<u>Second Year</u>
Estimated Total District Costs:	\$10,690.98	\$1,296.50

Method of Apportionment: Front Footage

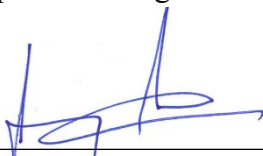
Estimated Annual District Assessments:	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	Costs to be	\$2.2012
For a Typical Interior Lot:	Provided by	\$182.70
For a Typical Corner Lot:	Petitioner	\$325.78

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 that the Special Taxing District’s services are adjusted by the PROS Director as provided herein. Each subsequent year will be calculated based on actual cost.

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

Each Street Lighting 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 this service 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 development within the Special Taxing District occurs.



Jimmy Morales
Chief Operations Officer

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**REPORT AND RECOMMENDATIONS
ON THE CREATION OF WALDIN DRIVE ESTATES
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 Waldin Drive Estates 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 5, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, less the West 147.50 feet, and less the East $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and less the East 35.00 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ in said Section 5 (a.k.a. Waldin Drive Estates, Tentative Plat # T-24444).

The Special Taxing District's boundaries and geographical location are shown on the attached sketch entitled Waldin Drive Estates 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

The cost of the streetlights in this Special Taxing District will be continual and is based on a preliminary estimate using the Rate Schedule prepared by Homestead Energy Services (HES) and approved by the Florida Public Service Commission, copies of which are 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.

<u>Estimated Annual District Costs</u>	<u>First Year</u>	<u>Second Year</u>
4 – 70 Watts, 4000K LED Luminaires	\$405.88	\$405.88
3 – Concrete Poles	\$257.76	\$257.76
540 Ft. – Underground Wiring	\$300.38	\$300.38
Annual Fuel Adjustments (Based on (1,248 KWH at \$0.07443 per KWH)	\$92.89	\$92.89
Franchise Cost (Based on 9.2970% of \$1,056.91)	<u>\$98.26</u>	<u>\$98.26</u>
Total Street Lighting Service Costs	\$1,155.17	\$1,155.17
Engineering & Administrative Costs	\$6,034.28	\$34.28
Billing, Collecting, & Processing Costs	\$1,207.05	\$0.00
HES Restoration Costs	\$900.00	\$0.00
Contingencies	<u>\$1,394.48</u>	<u>\$107.05</u>
Total Costs Covered by Petitioner	\$10,690.98	
Total Costs to District		\$1,296.50
<u>Estimated Annual District Assessments</u>	<u>First Year</u>	<u>Second Year</u>
Per Assessable Front Foot:	Costs to be	\$2.2012
For a Typical Interior Lot:	Provided by	\$182.70
For a Typical Corner Lot:	Petitioner	\$325.78

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.

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 Miami-Dade County (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 street lighting through numerous petitions and personal requests. The ability of the affected properties to pay special assessments is evident since the costs of the 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 streetlights installed pursuant to the creation of this Special Taxing District will provide special benefits to properties within the Special Taxing District's boundaries exceeding the amount of special assessments to be levied.

6. PROCEDURE

As provided for under Chapter 18 of the Code, the property owners, the developers, within the proposed Special Taxing District shall guarantee payment of all costs and expenses incidental to the creation of such Special Taxing District and shall pay the entire cost of providing street lighting within the Special Taxing District for the first year. 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 costs are lower than the costs estimated herein, the Director of PROS shall adjust and decrease the front foot rate of assessment. In the event actual second year costs are higher than estimated herein, the front foot rate of the assessment shall not be increased prior to the Board of County Commissioners (Board) adopting a revised assessment roll.

Following the creation of the Special Taxing District by the Board, the petitioner's plat shall not be placed on a Commission agenda for approval prior to receipt of the payment from the developers for the first-year costs as specified in Item 3 above. 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.

7. RECOMMENDATION

It is recommended that Waldin Drive Estates 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 only; 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 Waldin Drive Estates 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 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 involved in the creation and establishment of the Special Taxing District, as well as provide funds for payment of 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 10 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.

Waldin Drive Estates
Street Lighting Special Taxing District
Page No. 4

- Attachments:
- (1) Copy of Petition and Attachments
 - (2) Copy of HES 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
MEMORANDUM

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

FROM: Ryan Carlin *RC* DATE: July 28, 2021
Assistant County Attorney

SUBJECT: Waldin Drive Estates Street Lighting Special Taxing District

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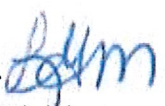
Please be advised that I have reviewed the above-referenced petition and find it to be legally sufficient for street lighting purposes only.

Memorandum



Date: July 27, 2021

To: Melissa Adames, Deputy Clerk
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: Waldin Drive Estates
Street Lighting Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-2 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>2</u> |
| 5. | Total number of owners or representatives signing the petition
in an official capacity | <u>2</u> |
| 6. | Percentage of owners or representatives signing the petition
in their official capacity | <u>100%</u> |

Pursuant to Section 18-2 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
PARKS, RECREATION AND OPEN SPACES DEPARTMENT
SPECIAL ASSESSMENT DISTRICTS DIVISION**

PAGE 1 OF 2

July 15, 2021

Document Preparation
Date

Departmental Acceptance Date
(Government Use Only)

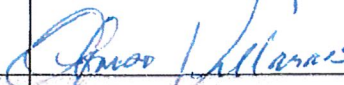
PETITION FOR STREET LIGHTING SPECIAL TAXING DISTRICT

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) WALDIN DRIVE ESTATES

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
EUREKA GARDENS LLC	13318 SW 128 STREET MIAMI, FL 33186	MORE FULLY DESCRIBED ON THE ATTACHED "EXHIBIT A"	30-7905-000-0023
Frederick Dominguez, Manager			
Alfonso Villaraos, Manager			

PLACE NOTARY STATEMENT AND STAMP HERE:

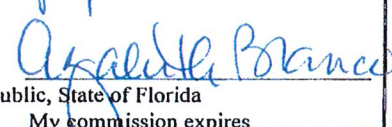
PLACE NOTARY STATEMENT AND STAMP HERE:

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared **FREDERICK DOMINGUEZ AND ALFONSO VILLARAOS, RESPECTIVELY MANAGERS of EUREKA GARDENS LLC**, a Florida limited liability company (x) personally known to me, or () who produced identification in the form of N/A, and who executed the foregoing resolution and acknowledged before me that they executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 15 day of July, 2021

(SEAL)




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 WALDIN DRIVE ESTATES.

DATED JULY 15, 2021 FOR THE CREATION OF

SPECIAL TAXING DISTRICT(S).

Folio: 30-7905-000-0023

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, less the West 147.50 feet and less the East $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and less the East 35 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ in Section 5, Township 57 South, Range 39 East, Miami-Dade County, Florida.

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:

12' fiberglass pole 13.55
(Washington style)

Wood pole \$6.26

Concrete pole 7.09

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 that described above:

May 8, 2001

1

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

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

Memorandum



Date: September 16, 2020

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

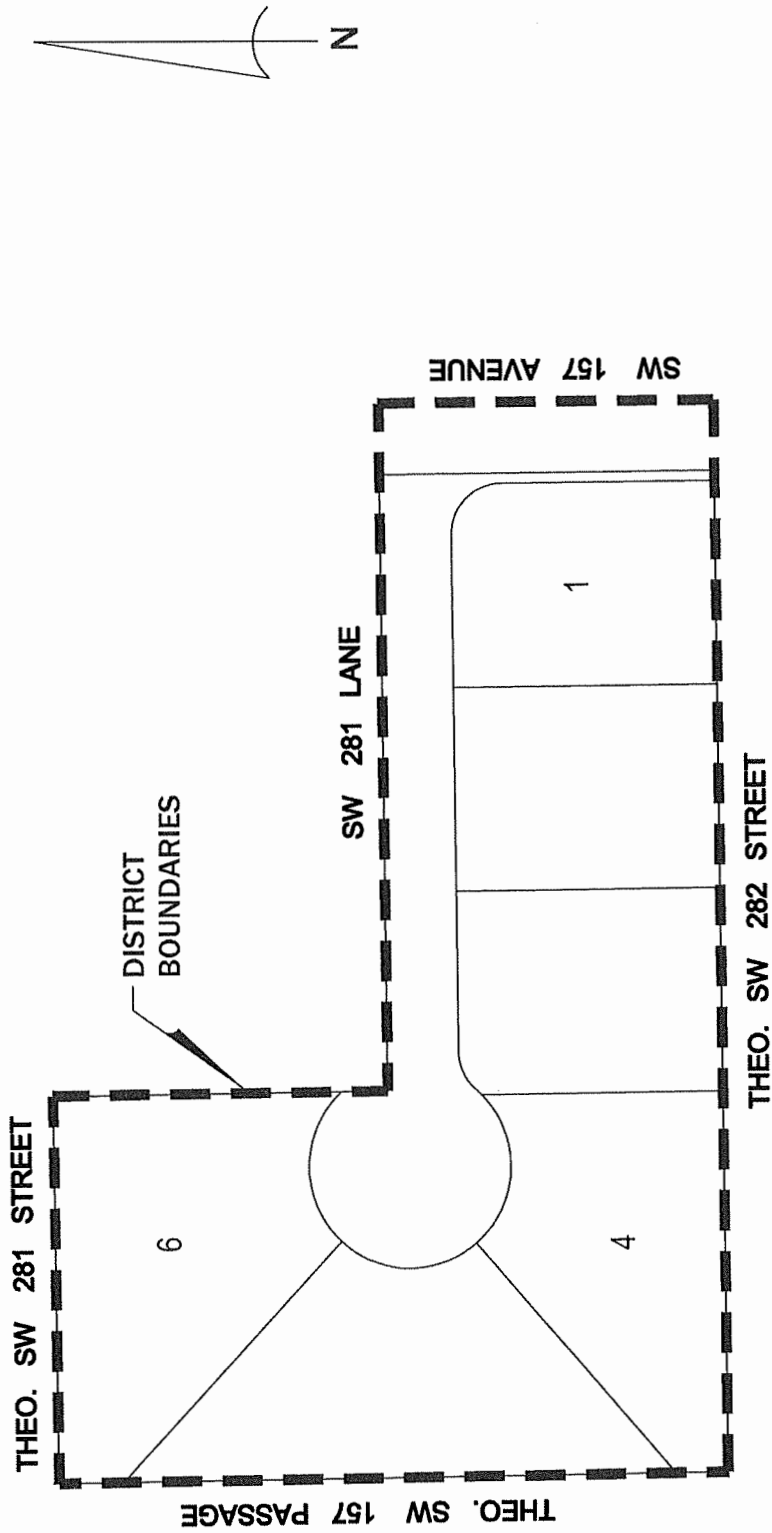
From: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

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, 2021, 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 January 23, 2020, 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



WALDIN DRIVE ESTATES

STREET LIGHTING SPECIAL TAXING DISTRICT

3 - CREE (RSW), 70 WATTS, 4000K LED STREETLIGHTS MOUNTED ON CONCRETE POLES.

1 - CREE (RSW), 70 WATTS, 4000K LED STREETLIGHT MOUNTED ON AN EXISTING WOOD POLE.

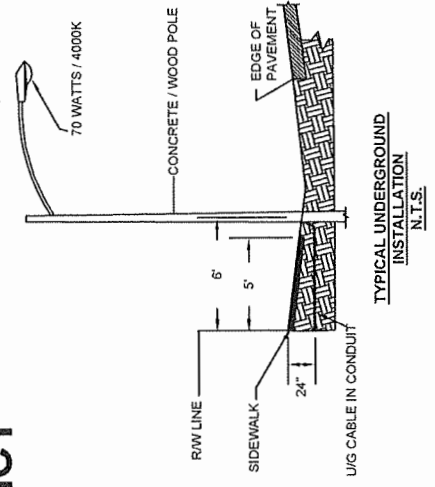


EXHIBIT "A"
(Boundaries and Geographical Location Sketch)

L-1460 (COMM. 0008)
SECTION: 05 - 57 - 39



MEMORANDUM

(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(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. 5(G)
10-5-21

ORDINANCE NO. 21-103

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY THEORETICAL SW 281 STREET, ON THE EAST BY SW 157 AVENUE, ON THE SOUTH BY THEORETICAL SW 282 STREET, AND ON THE WEST BY THEORETICAL SW 157 PASSAGE, KNOWN AND DESCRIBED AS WALDIN DRIVE ESTATES 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 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, which is incorporated herein by reference; and

WHEREAS, a public hearing has been conducted by the Board of County Commissioners in accordance with the requirements and procedures of Chapter 18 of the Code of Miami-Dade County,

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

Section 1. This Board incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. In accordance with the provisions of Chapter 18 of the Code, a special taxing district, to be known and designated as the Waldin Drive Estates Street Lighting Special Taxing District in Miami-Dade County, Florida, is hereby created and established in the unincorporated area of Miami-Dade County.

Section 3. The area or boundaries of this Special Taxing District, generally bounded on the North by theoretical SW 281 Street, on the East by SW 157 Avenue, on the South by theoretical SW 282 Street, and on the West by theoretical SW 157 Passage, and located entirely within District 8, are as follows:

A portion of Section 5, Township 57 South, Range 39 East, Miami-Dade County, Florida; being more particularly described as follows:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, less the West 147.50 feet, and less the East $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and less the East 35.00 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ in said Section 5 (a.k.a. Waldin Drive Estates, Tentative Plat # T-24444).

The areas and geographical locations of this Special Taxing District are shown on the map or sketch, attached to the accompanying memorandum.

Section 4. 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 5. 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 \$10,690.98. The expected costs of the Special

Taxing District's services for the second year are estimated to be \$1,296.50. The expected estimated cost per assessable front foot of real property within the Special Taxing District for the second year is \$2.2012. The succeeding years' assessments will be adjusted based on actual costs.

Section 6. The entire cost of the Special Taxing District's improvements and/or services shall be specially assessed. It is hereby declared that said 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 7. 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 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 8. 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 to the accompanying memorandum, for and on behalf of Miami-Dade County.

Section 9. 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 10. 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 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 11. 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 12. It is the intention of this Board and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code.

Section 13. The provisions of this Ordinance shall become effective 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 5, 2021

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Michael J. Mastrucci

