

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: (Second Reading: 12-1-21)
October 19, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance changing the boundaries of the City of Sweetwater, 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 the West Annexation Area, bounded on the north by NW 25 Street, on the south by NW 12 Street, on the east by NW 117 Avenue, and on the west by NW 137 Avenue; 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 and Areas and Facilities of Countywide Significance; providing for contingent effective date; providing for interdependency, inclusion in the Code and an effective date

Ordinance No. 21-141

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: December 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".

Subject: Fiscal Impact Statement for Ordinance Relating to Changing Boundaries of the City of Sweetwater

The approval of this ordinance will have a negative impact on the County. The 2020 preliminary roll taxable value within the proposed annexation area is \$763,807,474. As shown in Exhibit 2, the area generates an estimated \$1,682,965 in revenue. The County spends an estimated \$1,106,401 per year providing services to the area. Therefore, the net revenue loss to the UMSA budget is an estimated \$576,564 if the area were to be annexed.

If the annexation is approved pursuant to Section 20-8.2 of the Code, the County shall retain all of the area's utility tax revenues upon annexation. For the proposed annexation area, estimated utility taxes of \$432,491 will be retained by the County.

A handwritten signature in blue ink that reads "Edward Marquez".

Edward Marquez
Chief Financial Officer

Memorandum



Date: December 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".

Subject: Social Equity Statement for Ordinance Relating to Changing Boundaries of the City of Sweetwater

The proposed ordinance amends the municipal boundaries of the City of Sweetwater (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 and is less than 50 percent developed residentially; this area has no resident electors. The businesses in the annexation area will be governed by the City and receive municipal-type services (police, public works, zoning, planning, permitting, etc.) from the City. The eastern section of the annexation area which is bounded on the north by NW 25 Street, bounded on the east by SW 117 Avenue, bounded on the south by NW 12 Street, and bounded on the west by SW 127 Avenue, will remain under County regulatory jurisdiction (i.e. planning, zoning, permitting, code enforcement), however the City will provide all other services in the area. The social benefit provided by this ordinance is being in closer proximity to City Hall and will allow business owners easier access to governmental services.

A handwritten signature in blue ink that reads "Edward Marquez".


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(B)
12-1-21

ORDINANCE NO. 21-141

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, 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 THE WEST ANNEXATION AREA, BOUNDED ON THE NORTH BY NW 25 STREET, ON THE SOUTH BY NW 12 STREET, ON THE EAST BY NW 117 AVENUE, AND ON THE WEST BY NW 137 AVENUE; 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 AND AREAS AND FACILITIES OF COUNTYWIDE SIGNIFICANCE; 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 September 24, 2020, the City of Sweetwater ("City") submitted an application for the annexation of the unincorporated area referred to in the City's application as the West Annexation Area, adjacent to the City; and

WHEREAS, on October 5, 2021, the Board adopted County Resolution No. R-854-21 directing the County Attorney to prepare the appropriate ordinance and interlocal agreement to effectuate the annexation request; and

WHEREAS, the County does not have any other pending applications for the annexation of the West Annexation Area or any portion thereof; and

WHEREAS, in addition, no municipality that could present such an annexation application for consideration by this Board in accordance with section 20-3.1 has indicated any intent or interest in the annexation of the West Annexation Area or any portion thereof; 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 Sweetwater (“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 Sweetwater

West Annexation Area

Legal Description

A portion of Government Lot 1 lying between Townships 53 and 54 South, Range 39 East, and Sections 35 and 36, Township 53 South, Range 39 East, in Miami-Dade County, Florida, bounded on the North by the North right-of-way line of NW 25 Street, on the East by the City of Sweetwater, on the South by the North right-of-way line of NW 12 Street, and on the West by the centerline of NW 137 Avenue, being more particularly described as follows:

BEGIN at the intersection of the North right-of-way line of NW 25 Street with the East line of said Section 36, said point being 60 feet South of the North line of said Section 36, as shown on BEACON TRADEPORT-PHASE II according to the plat thereof recorded in Plat Book 154 at Page 40; thence run South, along the East line of said Section 36, to the intersection with the Easterly prolongation of the North right-of-way line of NW 12 Street, said point of intersection lying 55 feet North of the South line of said Section 36; thence run West, along the North right-of-way line of NW 12 Street, as depicted on Florida Department of Transportation’s Right-of-Way Map for State Road 836, Section 87200-2574, dated September 2002, and Limited Access Right-

of-Way Sketch for State Road 836 (NW 12 Street) recorded in Map Book 153 at Page 83, also as depicted on DOLPHIN PARK AND RIDE according to the plat thereof recorded in Plat Book 173 at Page 6, IMPERIAL SHORES according to the plat thereof recorded in Plat Book 147 at Page 13, and IMPERIAL VILLAS AT IMPERIAL LAKES according to the plat thereof recorded in Plat Book 147 at Page 10, all recorded in the Public Records of Miami-Dade County, Florida, to the intersection with the East right-of-way line of NW 127 Avenue, said point of intersection lying 40 feet East of the West line of the aforementioned Government Lot 1; thence run North, along said East right-of-way line of NW 127 Avenue, for a distance of 9.24 feet, to the North line of said Government Lot 1 and South line of Section 36, as shown on said Plat Book 147 at Page 10; thence run West, along said South line of Section 36 also being the Easterly prolongation of the North right-of-way line of NW 12 Street, to the SE corner of said Section 35 Township 53 South, Range 39 East; thence continue West, along said North right-of-way line of NW 12 Street, also being the South line of Section 35, to the centerline of NW 137 Avenue, also being the West section line of said Section 35; thence run North, along said centerline, to the intersection with the North right-of-way line of NW 25 Street, said point of intersection being 49 feet South of the North line of said Section 35, as shown on PAN AMERICAN WEST BUSINESS PARK according to the plat thereof recorded in Plat Book 167 at Page 15; thence run East, along said North right-of-way line of NW 25 Street, as shown on said Plat Book and on BEACON LAKES EAGLE according to the plat thereof recorded in Plat Book 168 at Page 77 and BEACON LAKE PHASE 2 according to the plat thereof recorded in Plat Book 165 at Page 80, to the intersection with the West line of said Section 36 as shown on BEACON LAKE WEST according to the plat thereof recorded in Plat Book 167 at page 13; thence continue East, along said North right-of-way line of NW 25 Street, as depicted on said Plat Book and on BEACON LAKES PHASE 1 according to the plat thereof recorded in Plat Book 162 at Page 52 and on BEACON LAKES EAST according to the plat thereof recorded in Plat Book 167 at Page 10, and on BEACON LAKES NORTHEAST according to the plat thereof recorded in Plat Book 172 at Page 38, and along its Easterly extension to a point of intersection with the East line of said Section 36; thence run South, along the East line of said Section 36 to the **POINT OF BEGINNING**.

The annexation of this annexation area was requested by the City in City Resolution No. 4653, adopted by the City, which resolution is attached hereto as Exhibit A for informational purposes only. A map depicting the annexation area, as set forth in this ordinance, is attached hereto as Exhibit 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 Exhibit B, the boundaries of the annexation area as described by the legal description in this ordinance 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 County Resolution No. R-1198-95.

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. Pursuant to section 20-8.6 of the Code, as a condition of the annexation, the County shall retain regulatory jurisdiction over Areas and Facilities of Countywide Significance as designated by the Board, including the following: (1) the entire area bounded on the north by NW 25 Street, on the south by NW 12 Street, on the east by NW 117 Avenue, and on the west by NW 127 Avenue; and (2) Miami-Dade County Water and Sewer Department (WASD) pump station No. 1221 located at NW 121 Avenue and NW 24 Street, WASD pump station No. 1222

located at NW 129 Avenue and NW 22 Street, WASD pump station No. 1225 located at NW 133 Place and NW 21 Lane, WASD pump station No. 1229 located at NW 14 Street east of NW 137 Avenue, WASD pump station No. 1258 located at NW 129 Avenue between NW 130 Avenue and NW 14 Street and WASD pump station No. 1261 located at NW 117 Place approximately 632 feet south of NW 22 Street.

Section 6. 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, 4 and 5 above, and to pay to the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$107,450.00 per year 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 County Resolution No. R-1192-21 (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 7. 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 8. 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 9. 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 County Resolution No. R-1192-21, and that such Interlocal Agreement remain in effect.

Section 10. 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:

December 1, 2021

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell
James Eddie Kirtley

Prime Sponsor: Chairman Jose “Pepe” Diaz

RESOLUTION NO.: 4653

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE CITY OF SWEETWATER IN ORDER TO ANNEX UNINCORPORATED LANDS WEST OF ITS CURRENT BOUNDARIES FROM MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE MAYOR, CLERK AND ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 5.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the code of Miami-Dade County, the City of Sweetwater ("the City") wishes to initiate a proposed boundary change by resolution after public hearing, upon mailed notice provided to all property owners in the proposed annexation area and within 600 feet of the proposed boundaries and notice provided by publication; and

WHEREAS, the City Commission has conducted a public hearing that was properly noticed in accordance with the requirements of section 20-3 of the code of Miami-Dade County; and

WHEREAS, the City Commission has determined that the annexation of the area West of the City's boundaries in Miami-Dade County, Florida is necessary, appropriate and in the best interest of the city and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AS FOLLOWS

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. The City Commission hereby seeks approval for the extension and enlargement of the City's boundaries to include an area West of the City and currently in unincorporated Miami-Dade County, Florida, as further described in Exhibit A attached hereto, and authorizes the initiation of municipal boundary change procedures pursuant to section 5.04 of the Miami-Dade County home rule charter in chapter 28 of the code of Miami Dade County.



Certified Copy

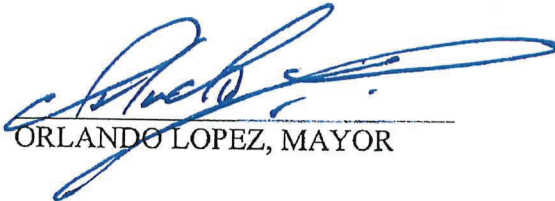
[Signature]
Date: 09/17/2020

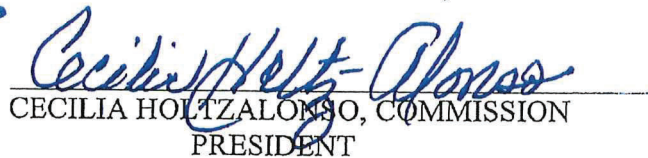
Section 3. The Mayor, Clerk and Attorney are hereby authorized and directed to perform any and all actions as may be deemed necessary or desirable to initiate and continue the boundary change procedure in accordance with chapter 20 of the code of Miami-Dade County and submit an annexation petition to the Board of County Commissioners of Miami-Dade County for their consideration.

Section 4. The Clerk is hereby authorized and directed to transmit three (3) certified copies of this resolution, together with proof of compliance with the notice procedures and all accompanying documentation as set forth in section 20-3 of the code of Miami-Dade County to the Miami-Dade County Board of County Commissioners, and payment of annexation application fees, if applicable.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 16th September day of _____, 2020.

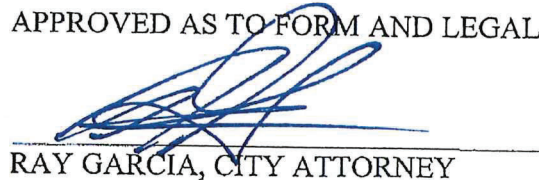

ORLANDO LOPEZ, MAYOR


CECILIA HOLTZALONSO, COMMISSION
PRESIDENT

ATTEST:

CARMEN GARCIA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


RAY GARCIA, CITY ATTORNEY

VOTE UPON ADOPTION:

- CECILIA HOLTZ-ALONSO, COMMISSION PRESIDENT
- SAUL DIAZ, COMMISSION VICE-PRESIDENT
- ISIDRO RUIZ, COMMISSIONER
- DAVID BORRERO, COMMISSIONER
- JONIEL DIAZ, COMMISSIONER
- MARCOS VILLANUEVA, COMMISSIONER

yes
yes
yes
no
yes
yes



Certified Copy



Date: 09/17/2020

EXHIBIT A

LEGAL DESCRIPTION:

A portion Section 35 and 36, Township 53 South, Range 39 East, according to the public records of Miami-Dade County, Florida, more particularly described as follows:

BEGINNING at the intersection of the Centerline of N.W. 25th Street with the East line of Section 36, Township 53 South, Range 39 East, Miami-Dade County, Florida; thence Southerly for 5105.53' feet along the East line of said Section 36 to the intersection with the North Right of Way Line of N.W. 12th Street and said Section Line; thence Westerly for 3154.95' feet along the said North Right of Way Line of N.W. 12th Street to a point of curvature of a circle curve concave to the Southeast; thence Westerly and Southwesterly along the arc of said circular curve to the left, having a radius of 612.96' feet through a central angle of 25°31'53", for an arc distance of 273.14' feet, to a point of tangency; thence Southwesterly for 100.00' feet along the aforementioned North Right of Way line, to a point of curvature of a circle curve concave to the Northwest; thence Southwesterly and Westerly along the arc of said circular curve to the left, having a radius of 532.96' feet through a central angle of 25°31'53", for an arc distance of 237.49' feet, to a point of tangency; thence Westerly for 1030.65' feet along the said North Right of Way line, to a point of curvature of a circle curve concave to the Northeast; thence Westerly and Northwesterly along the arc of said circular curve to the left, having a radius of 1308.14' feet through a central angle of 13°32'33", for an arc distance of 309.19' feet, to a point of curvature of a circle curve concave to the Southwest; thence Northwesterly and Westerly along the arc of said circular curve to the left, having a radius of 1388.14' feet through a central angle of 6°56'33", for an arc distance of 168.20' feet, to the East Right of Way Line of N.W. 127th Avenue; thence Northerly for 9.24' foot along the said East Right of Way to the intersection with the South line of Section 36, Township 53 South, Range 39 East, Miami-Dade County, Florida; thence Westerly for 40.02' feet, along the said Section Line to the Southeast Corner of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida; thence Westerly for 5255.53' feet along the said South line of Section 35, Township 53 South, Range 39 East, Miami-Dade County to the East Right of Way line of N.W. 137th Avenue; thence Northerly for 5193.91' feet along the said East Right of Way line to the intersection with the Centerline of N.W. 25th Street; thence Easterly for 10537.05' feet along the said Centerline of N.W. 25th Street to the intersection with the East line of Section 36, Township 53 South, Range 39 East, Miami-Dade County, Florida said point also being the POINT OF BEGINNING.

Containing 54'441,508.87 Sq. Ft. or 1,249.805 Acres ±.
1.953 Sq. Mi. ±



Certified Copy

[Signature]
Date: 09/17/2020

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO
186297	0004743567-01	City of Sweetwater/Proposed West Annexation Area Notice /Economic Develop	

Attention:

CITY OF SWEETWATER
 500 SW 109TH AVE
 MIAMI, FL 33174

**PUBLISHED DAILY
 MIAMI-DADE-FLORIDA**

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

Before the undersigned authority personally appeared: **PENELOPE ALEMAN**, who on oath says that he/she is **CUSTODIAN OF RECORDS** of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of the advertisement that was published was published in said newspaper in the issue(s) of:

Publication: Miami Herald
 Zone: MIA-Full Run
 September 04, 2020

Affiant further says that the said Miami Herald is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered a second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).



Sworn to and subscribed before me this 30th, day of November, 2020