

MEMORANDUM

Agenda Item No. 7(H)

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

DATE: (Second Reading: 2-1-22)
December 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance amending Resolution
No. R-1104-66; changing the
boundaries of the Andover Street
Lighting Improvement Special
Taxing District to be generally
bounded on the north by NE
215 Street, on the east by NE 2
Avenue, on the south by NE 199
Street, and on the west by NW
7 Avenue

Ordinance No. 22-18

The accompanying ordinance was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: February 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Amending Resolution No. R-1104-66 relating to the Andover Street Lighting Improvement 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 amendment of the boundaries of the Andover Street Lighting Improvement Special Taxing District (Special Taxing District), such that the amended boundaries lie wholly within the boundaries of the City of Miami Gardens (City).

Scope

This Special Taxing District lies within Commission District 1, which is represented by County Commissioner Oliver G. Gilbert, III, and provides street lighting services.

Fiscal Impact/Funding Source

The amendment of the 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 City, pursuant to Chapter 18 of the Code, is the governing body of the Special Taxing District and is responsible for the management of the street lighting services.

Florida Power and Light (FPL) is the owner of the system and derives revenues from the Special Taxing District. FPL’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 amends the Special Taxing District which was created and transferred to the City, pursuant to Article I, section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code. Property owners within the Special Taxing District pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District’s services, regardless of their demographics, and the total amount of the special assessments levied are not in excess of such special benefit.

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 as amended will continue to be managed by the City. The portions removed will merge into to the Andover 1st Addition Street Lighting Improvement Special Taxing District which will be amended to encompass only property lying solely within unincorporated Miami-Dade County and will be monitored 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

The companion resolution authorizes the County Mayor or County Mayor’s designee to execute an interlocal agreement with the City and to take all actions necessary to effectuate the transfer.

Background

The Andover Street Lighting Improvement Special Taxing District was created according to Resolution No. R-1104-66 on October 18, 1966. Further, the Andover 1st Addition Street Lighting Improvement Special Taxing District was created according to Resolution No. R-1863-72 on December 19, 1972. On May 1, 2018, pursuant to a request by the City, this Board approved the transfer of both of these special taxing districts to the City designating the City, as opposed to the Board, as the governing body of each of the special taxing districts. Said transfer was approved by a majority of the registered voters within the Andover Street Lighting Improvement Special Taxing District at an election called by this Board pursuant to Resolution No. 406-18, and by a majority of the registered voters within the Andover 1st Addition Street Lighting Improvement Special Taxing District pursuant to Resolution No. 438-18.

Subsequently, it was found that at the time of the initial transfer, a small portion of each of these special taxing districts was located outside the boundaries of the City. Pursuant to section 18-3.1 of the Code, the City may only be the governing body of a special taxing district wholly within the City’s boundaries. As such, the City through Resolution No. 2021-132-3687 has requested that this Board amend the boundaries of these special taxing districts such that the City would be responsible for one of the special taxing districts that only includes properties within the boundaries of the City, and waiving the election requirement pursuant two-thirds vote of the members present.

To accomplish this, the Andover Street Lighting Improvement Special Taxing District will be amended to remove properties not within the boundaries of the City and will expand to cover all the properties currently within the Andover 1st Addition Street Lighting Improvement Special Taxing District that lie solely within the boundaries of the City. Further, the Andover 1st Addition Street Lighting Improvement Special Taxing District will be amended to absorb the unincorporated properties being removed from the Andover Street Lighting Improvement Special Taxing District. As such, the final amended boundaries of the Andover Street Lighting Improvement Special Taxing District will lie wholly within the City, while the amended Andover 1st Addition Street Lighting Improvement Special Taxing District will include only unincorporated properties which will revert to the County.

In accordance with the provisions of Chapter 18 of the Code of the Code, a petition to amend the Special Taxing District, duly signed by the Miami-Dade County Mayor, was filed with the Clerk of the Board. A copy of the petition was sent to 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, a copy of which is attached.

Contingent upon Board approval of the amendment of this Special Taxing District, the street lighting services will continue to be accomplished pursuant to an agreement between the City of Miami Gardens and FPL. The City will remain the governing body as provided in the Interlocal Agreement between the County and the City, and will continue to be responsible for all past and future liabilities of the Special Taxing District. The facilities provided will remain the property of FPL. FPL will be responsible for the maintenance, repairs, upgrades, and replacement of the light fixtures, lamps, poles, and all connecting service lines.

Current District Boundaries: On the North, NW 203 Street, NW 207 Street, NE 215 Street;
On the East, NE 2 Avenue, NW 2 Avenue;
On the South, NW 202 Terrace, NW 207 Street;
On the West, NW 7 Avenue, NW 4 Avenue, NW 2 Avenue

New District Boundaries as Amended: On the North, NE 215 Street;
On the East, NE 2 Avenue;
On the South, NE 199 Street;
On the West, NW 7 Avenue.

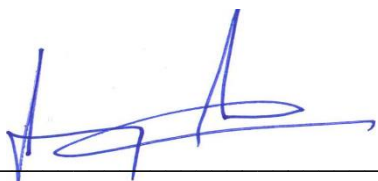
Number of Owners With Homestead Exemption Signing Petition: In compliance with Chapter 18 of the Code, the petition was signed by the County Mayor on behalf of the residents of Andover Street Lighting Improvement Special Taxing District.

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 amendment 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.

Required Referendum: The amendment of the Special Taxing District boundaries will be subject only to the Board’s approval if the election

requirement is waived pursuant to two-thirds vote of the members present. This waiver will be accomplished via a companion Resolution.

Each street lighting Special Taxing District is unique due to its geographical boundaries, affected property owners, and level of service to be provided. Amendment of this Special Taxing District to continue providing this service is the best and most cost-effective method to achieve this benefit. In compliance with the provisions of section 18-3(c) of the Code, I recommend that this Special Taxing District be amended such that the Special Taxing District only includes properties within the boundaries of the City, and a companion Resolution to ratify the City’s administration of the Special Taxing District. I further recommend that the Board waive the election requirement by 2/3 vote of the members present because a majority of qualified electors in each district already approved of the initial transfer.



Jimmy Morales
Chief Operations Officer

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

11/18/21

Petition Received

Date

**PETITION TO AMEND THE BOUNDARIES OF THE ANDOVER
STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT**

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

I, the undersigned Miami-Dade County Mayor Daniella Levine Cava, do hereby petition pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for the amendment of Resolution No. R-1104-66, to amend the boundaries of the “Andover Street Lighting Improvement Special Taxing District” to exclude properties on the east side of NE 2 Avenue, and to expand said boundaries to compass contiguous properties within the Andover 1st Addition Street Lighting Improvement Special Taxing District which are located wholly within the boundaries of the city of Miami Gardens. I hereby sign this petition for the amendment pursuant to the authority granted to me by section 18-3(a) of the Code of Miami-Dade County, and on behalf of the residents of the district, as indicated in the Exhibit A attached hereto.

Street Lighting service including but not limited to: installation, operation and maintenance of light-emitting diode (LED) of an intensity of 47 watts 4000K, mounted on existing concrete poles.

District Boundaries: This petition is to amend the district’s boundaries such that the district will be wholly within the boundaries of the City of Miami Gardens, more fully described on the attached Exhibit A as follows: on the North bounded by NE 215 Street, on the South bounded by NE 199 Street, on the East bounded by NE 2 Avenue, and on the West by NW 7 Avenue.



Daniella Levine Cava
Miami-Dade County Mayor

Harvey Ruvin, Clerk
Board of County Commissioners
Miami-Dade County, Florida

Deputy Clerk

RESOLUTION NO. 2021-132-3687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO THE ANDOVER STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT AND THE ANDOVER 1ST ADDITION STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT, ATTACHED HERETO AS EXHIBIT "A"; REQUESTING THAT MIAMI-DADE COUNTY AMEND THE BOUNDARIES OF THE SPECIAL TAXING DISTRICTS; REQUESTING THAT MIAMI-DADE COUNTY TRANSFER THE AMENDED ANDOVER STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT TO THE CITY OF MIAMI GARDENS IN ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING EXECUTION AN AMENDED INTERLOCAL AGREEMENT FOR THE TRANSFER; REQUESTING RATIFICATION OF THE CITY'S ADMINISTRATION OF THE SPECIAL TAXING DISTRICTS; WAIVING THE ELECTION REQUIREMENT BY TWO-THIRDS VOTE OF THE CITY COUNCIL MEMBERS PRESENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 18, 1966, Miami-Dade County adopted Resolution No. 1104-66, creating the Andover Street Lighting Improvement Special Taxing District; and

WHEREAS, on December 19, 1972, Miami-Dade County adopted Resolution No. 1863- 72, creating the Andover 1st Addition Street Lighting Improvement Special Taxing District (collectively with the Andover Street Lighting Improvement Special Taxing District, the "Special Taxing Districts"), and

WHEREAS, on May 1, 2018, following a request by the City of Miami Gardens ("City"), Miami-Dade County approved a transfer to the City of the Andover Street Lighting Improvement Special Taxing District and the Andover 1st Addition Street Lighting Improvement Special Taxing District, contingent upon approval by a majority vote of the qualified electors residing in each district voting at an election called by this Board pursuant to Resolution No. 406-18 and Resolution No. 438-18, respectively; and

WHEREAS, a majority of those qualified electors residing in each of the Special Taxing Districts approved the transfer; and

WHEREAS, Section 18-3.1 of the Code of Miami-Dade County vests Miami-Dade County with the power to designate the governing body of a municipality as the governing body of an existing special taxing district located wholly within the boundaries of such municipality if the municipality assumes any and all liabilities of the special taxing district; and

WHEREAS, at the time of the initial transfer, the Special Taxing Districts were not located entirely within the boundaries of the City; and

WHEREAS, the City desires to continue to maintain and control the special taxing districts to the extent the properties are located within the City, and

WHEREAS, the City intends to request that Miami-Dade County (1) amend the boundaries of the Special Taxing Districts, such that the district for which the City is responsible would be consolidated into one amended special taxing district including only properties within the boundaries of the City; (2) authorize the City to enter into an amended interlocal agreement with Miami-Dade County for this purpose; (3) request that Miami-Dade County ratify the City's administration of the Special Taxing Districts since the initial transfer; (4) transfer the amended Andover Street Lighting Improvement Special Taxing District to the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby requests that Miami-Dade County amend the boundaries of the Special Taxing Districts, such that the district for which the City is responsible would be consolidated into one amended special taxing district including only properties within the boundaries of the City, attached hereto as Exhibit "A".

Section 3: AUTHORIZATION: The City Council of the City of Miami Gardens authorizes the Mayor and City Clerk to execute and attest an amended interlocal agreement with Miami-Dade County for this purpose, subject to the review and approval of the City Attorney.

Section. 4. AUTHORIZATION: The City Council hereby requests and authorizes Miami-Dade County to ratify the City's administration of the Special Taxing Districts since the initial transfer and the transfer the amended Andover Street Lighting Improvement Special Taxing District to the City.

Section 5: AUTHORIZATION: The City Council hereby waives, pursuant to two-thirds vote of the members present, the election requirement for the transfer of the Andover Street Lighting Improvement Special Taxing District, as amended, to the City of Miami Gardens.

Section 6: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

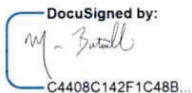
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON OCTOBER 13, 2021.

DocuSigned by:

B912A2EE5E0C4ED

RODNEY HARRIS, MAYOR

ATTEST:

DocuSigned by:

C4408C142F1C48B...

MARIO BATAILLE, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

SPONSORED BY: CAMERON BENSON, CITY MANAGER

Moved by: Councilwoman Wilson
Seconded by: Councilwoman Julien

VOTE: 6-0

Mayor Harris
Vice Mayor Leon
Councilwoman Campbell
Councilwoman Ighodaro
Councilwoman Julien
Councilman Stephens, III
Councilwoman Wilson

Absent
Yes
Yes
Yes
Yes
Yes
Yes
State of Florida
County of Miami-Dade

CERTIFICATION

I, the undersigned, duly appointed City Clerk of the City of Miami Gardens, Florida, hereby certify that the attached is a true and correct copy of RES 2021-132-3687 as shown in the records of the city on file in the office of the city clerk.

Witness, my hand and the corporate seal of the city of Miami Gardens, Florida, this 13th day of Oct 2021.


City Clerk
City of Miami Gardens, Florida

**AMENDED AGREEMENT FOR THE TRANSFER OF THE ANDOVER STREET
LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT, AS AMENDED, FROM
MIAMI-DADE COUNTY TO THE CITY OF MIAMI GARDENS**

THIS AMENDED AGREEMENT FOR TRANSFER OF THE ANDOVER STREET LIGHTING IMPROVEMENT SPECIAL TAXING DISTRICT, AS AMENDED BY ORDINANCE NO. _____, CURRENTLY MAINTAINED BY THE CITY OF MIAMI GARDENS (**AGREEMENT**), made and entered into this _____ day of _____, 2022, by and between the **CITY OF MIAMI GARDENS, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the “**City**”) and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA (hereinafter referred to as the “**County**”).

WITNESSETH

WHEREAS, the City previously requested transfer of the ownership of the assets and control of the Andover Street Lighting Improvement Special Taxing District and the Andover 1st Addition Street Lighting Improvement Special Taxing District (“**Special Taxing Districts**”) from the County to the City such that the City Council would be the governing body responsible for the Special Taxing Districts; and

WHEREAS, on May 1, 2018, the County approved the transfer of the Special Taxing Districts to the City, contingent upon approval by a majority vote of the qualified electors residing in the Special Taxing Districts; and

WHEREAS, the electorate approved the transfer of the Special Taxing Districts to the City, and twelve days later the City Council became the governing board of the Special Taxing Districts (“**Initial Transfer**”); and

WHEREAS, the City and the County entered into an Interlocal Agreement for the transfer (“**Prior Interlocal Agreements**”), copies of which are attached hereto and incorporated herein; and

WHEREAS, since the Initial Transfer the City has maintained full responsibility for the operation and maintenance of the Special Taxing Districts; and

WHEREAS, at the time of the Initial Transfer the Special Taxing Districts were not located entirely within the boundaries of the City; and

WHEREAS, pursuant to a request by the City, the County has since amended the boundaries of the Special Taxing Districts such that the Andover Street Lighting Improvement Special Taxing District only includes properties within the boundaries of the City (“**Amended Special Taxing District**”); and

WHEREAS, the properties that were within the boundaries of the Special Taxing Districts but are not within the boundaries of the Amended Special Taxing District (“**Removed Properties**”) will merge with Andover 1st Addition Street Lighting Improvement Special Taxing District which will now be entirely in the unincorporated area of the County; and

WHEREAS, the County and City are both desirous of continuing to have the City maintain full responsibility for the operation and maintenance of the Amended Special Taxing District; and

NOW, THEREFORE, in consideration of the covenants herein provided, the City of Miami Gardens and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective upon the last effective date of a joint resolution transferring the Amended Special Taxing District (“**Effective Date**”). This Agreement incorporates the Prior Interlocal Agreements, which shall also remain in effect until the Effective Date. After the Effective Date, the Prior Interlocal Agreements shall remain in effect as to the Amended Special Taxing District unless a provision is in conflict with this Agreement in which case this Agreement governs as to that provision.
3. The County will continue to have no involvement in operations and maintenance of the Special Taxing Districts, and the City will continue to be exclusively responsible for the Special Taxing Districts, as provided in the Prior Interlocal Agreements. On the Effective Date, the County will accept responsibility for the Removed Properties.
4. The City authorized the County to amend the boundaries of the Special Taxing Districts, but any other action requiring board approval shall continue to be presented to the City Council. As of the Effective Date, any action requiring board approval for the Amended Special Taxing District shall still be presented to the City Council, but actions for the Removed Properties shall be presented to the Miami-Dade County Board of County Commissioners
5. The County ratifies the City’s administration of the Special Taxing Districts during the period between the Initial Transfer and the Effective Date. On the Effective Date, the County resumes responsibility for all liabilities of the Removed Properties. However, the City maintains sole responsibility for all liabilities of the Removed Properties, whether known or unknown, stemming from the period between the Initial Transfer and the Effective Date of this Agreement.
6. The City shall be responsible for establishing assessment rates and collecting assessments for the Amended Special Taxing District beginning on the Effective Date. If the City intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the City shall comply with the requirements of section 197.3632 of the Florida Statutes and shall make such arrangements with the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector.
7. The City shall ensure that the Florida Power and Light (“FPL”) utility accounts for the Amended Special Taxing District are in the City’s name, and shall assist the County in taking back the utility accounts for the Removed Properties.
8. The City shall still be responsible for the existing contractual obligations with FPL for the Amended Special Taxing District.
9. The City’s Council shall continue to be responsible for the continuous operation, and maintenance of the Amended Special Taxing District’s improvements and systems, if any.

10. The City shall continue to be responsible for payment of all of the Amended Special Taxing District's expenses, as well as the expenses attributed to the Special Taxing Districts from the date of the Initial Transfer to the Effective Date of this Agreement.
11. The City shall transfer to the County, within sixty (60) days, any active, transferrable warranties on improvements or equipment for the Removed Properties.
12. Within thirty (30) days of the Effective Date, the City shall provide to the County a final financial reconciliation of all known liabilities for the Removed Properties. Any omission from the final reconciliation shall not constitute a waiver by either the County or the City for payment to or from the Special Taxing Districts' accounts.
13. Within sixty (60) days of the Effective Date, the City shall remit to the County any surplus funds in the Special Taxing Districts' accounts for the Removed Properties, as well as funds for any bills sent to the County for charges to the Special Taxing Districts since the Initial Transfer.
14. Pursuant to section 2-8.9 of the Code of Miami-Dade County, the City is encouraged to pay the Living Wage.
15. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the City does hereby agree to indemnify and hold the County, its officials, employees and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Amended Special Taxing District and the City's administration of the Special Taxing Districts, or the exercise of any rights, obligations or actions under this Agreement or the Prior Interlocal Agreements, including but not limited to the City's failure to provide services or maintain, repair, replace, or operate the Improvements.
16. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City, and any permitted successors or assigns.
17. In the event that the City requests any third party to assume any of the responsibilities hereunder, the City acknowledges that such assumption shall not relieve the City from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the County to any liability for any damage, injury, or claim that may arise.
18. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the County's sovereign rights.
19. The language agreed to herein expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against

one of the parties from the other.

20. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the City and County designate the following as the respective places for notice purposes:

City:	City of Miami Gardens 18605 NW 27 th Avenue Miami Gardens, Florida 33056
County:	Miami-Dade County Stephen P. Clark Center 111 Northwest First Street Miami, Florida 33128

IN WITNESS WHEREOF, the City of Miami Gardens has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

CITY OF MIAMI GARDENS, a municipal corporation ATTEST:

By: _____	By: _____
Mario Bataille, City Clerk	Cameron Benson, City Manager

APPROVED AS TO LEGAL FORM AND CORRECTNESS:	_____ Sonja Knighton Dickens, City Attorney
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MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA ATTEST:

By: _____	_____
Mayor or Mayor's Designee	Date

APPROVED AS TO LEGAL FORM AND CORRECTNESS:	_____ Assistant County Attorney
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HARVEY RUVIN, CLERK

By: _____	_____
Deputy Clerk	Date



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(H)

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(H)
2-1-22

ORDINANCE NO. 22-18

ORDINANCE AMENDING RESOLUTION NO. R-1104-66;
CHANGING THE BOUNDARIES OF THE ANDOVER
STREET LIGHTING IMPROVEMENT SPECIAL TAXING
DISTRICT TO BE GENERALLY BOUNDED ON THE NORTH
BY NE 215 STREET, ON THE EAST BY NE 2 AVENUE, ON
THE SOUTH BY NE 199 STREET, AND ON THE WEST BY
NW 7 AVENUE; 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. Section 2 of Resolution No. R-1104-66 is hereby amended to read as follows:¹

Section 2. The area and boundaries of the special taxing district are as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

All of "ANDOVER" ~~[[PB-70, P-77]]~~ >>as recorded in Plat Book 70, at Page 77, of the Public Records of Miami-Dade County, Florida<<.

>>And<<

All of "FIRST ADDITION TO ANDOVER" ~~[[PB-72, P-36]]~~ >>as recorded in Plat Book 72, at Page 36, of the Public Records of Miami-Dade County Florida<<; Less Block 28 (Tract "A") thereof;

Portions of the NE 1 /4 of Section 36 in the ~~[["EAST HALF OF TOWNSHIP 51 SOUTH, RANGE 41 EAST" (PB-1, P-118)]]~~ >>E 1/2 of Township 51 South, Range 41 East as recorded in Plat Book 1, at Page 118, of the Public Records of Miami-Dade County, Florida<<, as ~~[[shown on the aforesaid PB-72, P-36]]~~ >>recorded in Plat Book 72, at Page 36, of the Public Records of Miami-Dade County, Florida<< as follows:

The East 100>>.00<< feet of the North 1144. 90 feet of the West 1045. 00 feet; and that portion which lies East of S. R. 7, North of NW 207th Street and South of a line that is 25>>.00<< feet North of and parallel to the North ~~[[R-W]]~~ >>Right-of-Way<< Line of NW 209th Street;

And

The North 506>>.00<< feet of the West 100>>.00<< feet of the E 1/2 of Government Lot 3 in ~~[[Sec. 36 of the said "EAST HALF OF TOWNSHIP 51 SOUTH, RANGE 41 EAST" (PB-1, P-118)]]~~ >>said Section 36<< All of the aforesaid Plats being recorded in the Public Records of >>Miami-<< Dade County, Florida.

>>And

Commence at the Northeast corner of the Southeast ¼ of Section 36, Township 51 South, Range 41 East, Miami-Dade County, Florida; thence run South 2°-01'-06" East for a distance of 68.61 feet; thence run South 2°-04'-04" East for a distance of 35.00 feet to a point on the South Right-of-Way line of NE 207 Street, said point being the Point-of-Beginning; thence run South 87°-43'-54" West for a distance of 170.00 feet; thence run North for a distance of 35.00 feet; thence run South 87°-43'-54" West for a distance of 700.02 feet; thence run South for a distance of 35.00 feet to the South Right-of-Way line of NE 207 Street; thence run South 87°-43'-54" West for a distance of 284.99 feet; thence run South 89°-30'-20" West for a distance of 1,466.90 feet; thence continue Southwesterly along a tangential circular curve having a radius of 25.00 feet through a central angle of 91°-19'-47" for an arc distance of 39.85 feet to a point on the East Right-of-Way line of NW 2 Avenue; thence run South 1°-49'-27" East for

a distance of 1,821.12 feet to the North Right-of-Way line of Snake Creek Canal; thence run Southeasterly along the North Right-of-Way line of Snake Creek Canal to a point on the Right-of-Way line of State Road 852 said point being 453.01 feet Westerly of the East line of said Section 36<< [[, Township 51 South, Range 41 East, Dade County, Florida]] >>; thence run North 87°-23'-53" East for a distance of 453.01 to the East line of said Section 36; thence run North 2°-04'-04" West for a distance of 2,894.38 feet to the Point-of-Beginning.

Less

All the following parcels described as follows:

Lots 1 through 10 of Block 37, and lots 1 and 2 of Block 1; thence begin 1,686.54 feet North of the Southeast corner of said Section 36; thence run West 127.27 feet; thence run Northerly along the curve to the left for an arc distance of 212.37 feet to a point North; thence run North for a distance of 70.98 feet; thence run Northerly along the curve to the right for an arc distance of 27.90 feet; then run East for a distance of 106.41 feet; thence run South for a distance of 309.98 feet to the Point-of-Beginning;

And

Begin at the Southeast corner of said Section 36; then run North for a distance of 1,996.25 feet; thence run Westerly for a distance of 186.63 feet to the Point-of-Beginning; thence continue Westerly for a distance of 83.37 feet; thence run South for a distance of 30.00 feet; thence run West for a distance of 5.00 feet; thence run South for a distance of 40.00 feet; thence run East for a distance of 87.46 feet; thence run North for a distance of 42.23 feet; thence run Northerly along the curve to the right for an arc distance of 27.78 feet to the Point-of-Beginning;

And

Begin 1,686.54 feet North of the Southeast corner of said Section 36; thence run West for a distance of 127.27 feet to the intersection with the East Right-of-Way line of NE 2 Avenue; thence run slightly to the subdivided Right-of-Way line for a distance of 449.37 feet; thence run South 76°54'30" East for a distance of 69.88 feet; thence run North 13° 0' 0" East for a distance of 25.00 feet; thence run South 76°54'30" East for a distance of 54.16 feet; thence run North 13° 0' 0" East for a distance of 136.00 feet; thence run Easterly for a distance of 93.85 feet; thence run North for a distance of 307.08 feet to the Point-of-Beginning; thence begin at the intersection along the Northeast corner of tract A as recorded in the Public Records of Miami-Dade County, Florida, in Plat Book 89, at Page 76, and West along the Right-of-Way of the Northeast 2 Avenue Northerly along the Right-of-Way for a distance of 62.02 feet; thence run North 72° 0' 00"

West for a distance of 65.00 feet; thence South 17° 0' 0" West for a distance 31.00 feet; thence run West 90.00 feet of South 17° 0' 0" West for a distance of 31.00 feet; thence run South 72° 0' 0" East for a distance of 155.79 feet to the Point-of-Beginning;

And

Begin at the middle line of said Section 36 of Ro-Mont South Condo "J" South 0° 1' 0" known as Tract B as recorded in the Public Records of Miami-Dade County, Florida, in Plat Book 89, at Page 76;

And

Begin at the middle line of said Section 36 of Ro-Mont South Condo "L" South 0° 2' 0" known as Tract C as recorded in the Public Records of Miami-Dade County, Florida, in Plat Book 93, at Page 80;

And

Tract A of Ro-Mont South Green Condo "R" South 0° 3' 0" as recorded in the Public Records of Miami-Dade County, Florida, in Plat Book 95, at Page 36.

And

Lots 1 through 9 of Block 22 and lots 1 through 18 of Block 29 according to the Plat thereof, as recorded in Plat Book 72, at Page 36, of the Public Records of Miami-Dade County, Florida<<.

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

Section 3. 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 4. 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 5. The provisions of this Ordinance shall become effective ten 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:

February 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GBK

Prepared by:

DPL

Daija Page Lifshitz