

MEMORANDUM

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(H) (Second Reading: 5-2-23) March 7, 2023
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance amending the boundaries of the Ojus Sanitary Sewer Special Benefit Area (OSSSBA) in Miami-Dade County, Florida by adding two properties; ratifying the non-ad valorem assessment roll, rates and assessments for the OSSSBA for the fiscal year commencing October 2023 and ending September 30, 2024

Ordinance No. 23-34

The accompanying ordinance was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Micky Steinberg and Co-Sponsor Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: May 2, 2023

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Amending the boundaries of the Ojus Sanitary Sewer Special Benefit Area; Approving, Adopting and Ratifying the Non-Ad Valorem Assessment Roll, Rates and Assessments for FY 2023-2024

Executive Summary

The attached Ordinance amends the boundaries of Ojus Sanitary Sewer Special Benefit Area (OSSSBA) in Miami-Dade County, Florida by adding two properties; and ratifies a new non-ad valorem assessment roll, rates and assessments for the OSSSBA for the fiscal year commencing October 2023 and ending September 30, 2024 and providing severability, exclusion from the code and an effective date.

Recommendation

It is recommended that the Board of County Commissioners (the “Board”) approve the attached Ordinance, which (1) amends the folios and parcels which form the OSSSBA, as listed in Exhibits A and B, attached hereto and (2) establishes the FY 2023-2024 assessment rate for the OSSSBA, as listed in the assessment roll in Exhibit C, attached hereto. All lots, parcels and folios which form the OSSSBA are unique due to their geographical boundaries, affected property owners, and level of service. The amendment to update the parcels and associated folios that form the OSSSBA is necessary due to an increase in the number of folios and properties that comprise the OSSSBA and changes in parcel lot sizes as reflected in the records of the Miami-Dade County Office of the Property Appraiser. The Water and Sewer Department (“WASD”) has determined, and I concur, that the services provided by the OSSSBA will offer special benefits to the properties within the OSSSBA exceeding the amount of special assessments to be levied. Therefore, it is hereby recommended that the proposed rates in Exhibit C be approved and adopted.

Scope

The proposed ordinance amends the area that forms the OSSSBA by adding two properties, and amends the Non-Ad Valorem Assessment Roll Rate due to the property additions. The Special Benefit Area is within Commission District 4, represented by County Commissioner Micky Steinberg.

Delegation of Authority

Upon approval of this item, the Clerk of the Board of County Commissioners is authorized to deliver to the Finance Director a copy of the assessment roll for the parcels and folios forming the OSSSBA as amended by this Ordinance, and to cause a duly certified copy of this ordinance, together with the

assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida

Fiscal Impact/Funding Source

The fiscal impact of this Ordinance is limited to those property owners within the OSSSBA. This ordinance modifies the boundaries of the OSSSBA increasing its area. The total assessment for the special benefit, including required financing charges, is \$21,221,094.85 over 28 years. The annual assessment will be the total assessment, including required financing charges, and 1% for the Tax Collector's Office for the costs of collection, divided by 28 years and the number of parcels. The fiscal impact of this Ordinance is limited to factoring in the newly added parcels into the assessment calculation with an annual assessment of \$0.5656 per square foot of parcel area, as provided in the assessment roll, attached as Exhibit C. The funds will accrue from the special benefit area assessment paid by the property owners of parcels for associated folios within the OSSSBA. Approval of these rates is necessary to ensure that the proposed project is constructed.

Social Equity Statement

The benefits conferred by the OSSSBA impact residents and property owners within the geographic boundaries of the OSSSBA regardless of demographics or income levels as sewer service. Residents and property owners in the OSSSBA continue to demonstrate their desire for sewer services. The OSSSBA is comprised of certain non-residential and non-institutional parcels made-up of mixed use, industrial, and residential modified live/work zoned properties that do not have access to the County's sewer system.

The special assessment rate levied upon each property within OSSSBA is commensurate to the special benefit property owners will receive from the OSSSBA infrastructure, regardless of their demographics or income level.

Track Record/Monitor

WASD's Assistant Director of Planning and Regulatory Compliance, James Ferguson, will be responsible for overseeing the implementation and operation of the OSSSBA assessments.

Background

On April 9, 2019 the Board of County Commissioners, pursuant to Chapter 18 of Miami Dade County Code (the "Code"), adopted Ordinance 19-31 creating the OSSSBA for certain non-residential and non-institutional parcels within the area generally bounded by N.E. 186th Street, N.E. 187th Street, and N.E. 188th Street on the North, by the Oleta River on the West, by the Florida East Coast Railway on the East, and by N.E. 179th Street on the South for sewer improvements within the public right-of-way.

This amendment to the boundaries of the OSSSBA updates the parcels and associated folios that comprise the OSSSBA. Specifically, it modifies the OSSSBA to reflect that the properties described by Folios 30-2204-016-0010 and 30-2203-000-0170 are being added to the OSSSBA. Additionally, and as described in the Exhibits to this Ordinance, the total number of folios within the OSSSBA has decreased since the OSSSBA was established due to replatting of certain properties and the resulting consolidation of certain folio numbers, as described in Exhibit C.

Pursuant to sections 18-21 and 18-14(4) of the Code, the County Mayor or County Mayor's designee caused assessment rolls to be prepared and filed with the Clerk of the Board. Each affected property owner was notified that the special assessments, when approved and confirmed pursuant to section 18-14(6) of the Code, will be placed on the 2023 real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title. Pursuant to section 197.3632 of the Florida Statutes and section 18-14(5) of the Code, the County is required to publicly notice the hearing regarding the adoption of the non-ad valorem assessment rolls in Special Taxing Districts. Pursuant to section 197.3632 of the Florida Statutes, the Board is required to adopt a non-ad valorem assessment roll at a public hearing held between January 1st and September 25th for any benefited area for which the rates will increase from the prior year.

Pursuant to notices published and mailed to all property owners within the OSSSBA, the Board will hold a public hearing on the modifications to the OSSSBA, and all interested persons will be afforded the opportunity to present their objections, if any, with respect to the modification to the OSSSBA. Prior to the hearing, residents of the OSSSBA will have received a required notice in the mail informing them of the public hearing. In addition, as required by law, staff will advertise the public hearing in a newspaper of general circulation.



Jimmy Morales
Chief Operations Officer

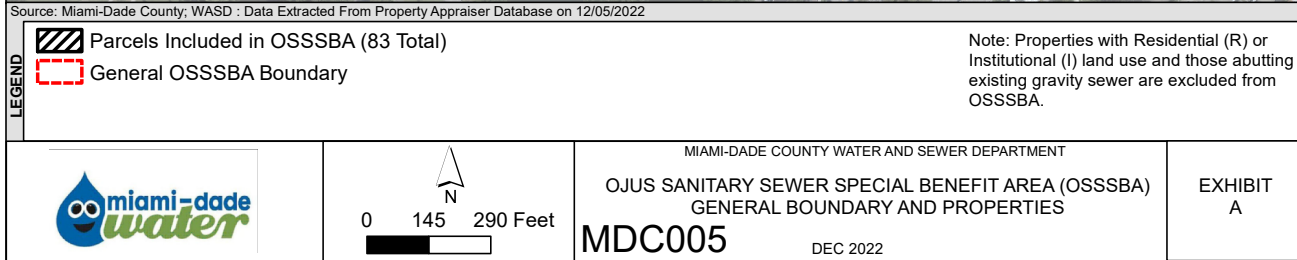


Exhibit B. Folios that form the Ojus Sanitary Sewer Special Benefit Area	
Folio	Property Address
3022030000170	18801 W DIXIE HWY
3022030000180	2645 NE 186 TER
3022030100010	18315 W DIXIE HWY
3022030130010	18461 W DIXIE HWY
3022030130011	18451 W DIXIE HWY
3022030130020	18407 W DIXIE HWY
3022030140010	18501 W DIXIE HWY
3022030150010	2645 NE 188 ST
3022030190010	18721 W DIXIE HWY
3022030190060	2646 NE 188 ST
3022030190070	2648 NE 188 ST
3022030190090	2680 NE 188 ST
3022030190120	2655 NE 188 ST
3022030190140	2675 NE 188 ST
3022030200010	18450 W DIXIE HWY
3022030200020	18480 W DIXIE HWY
3022030200030	18500 W DIXIE HWY
3022030200040	18514 W DIXIE HWY
3022030200041	18518 W DIXIE HWY
3022030200050	2590 NE 186 ST
3022030200090	2521 NE 184 TER
3022030200100	2531 NE 184 TER
3022030200110	2541 NE 184 TER
3022030200120	2551 NE 184 TER
3022030200121	2561 NE 184 TER
3022030200130	2587 NE 184 TER
3022030200131	2589 NE 184 TER
3022030200270	2420 NE 186 ST
3022030200310	18356 W DIXIE HWY
3022030200340	2580 NE 184 TER
3022030200350	2572 NE 184 TER
3022030200360	2574 NE 184 TER
3022030200700	18632 NE 25 PL
3022030200770	18615 W DIXIE HWY
3022030200780	2645 NE 186 ST
3022030200790	2655 NE 186 ST
3022030200810	18685 W DIXIE HWY
3022030200850	2649 NE 186 TER
3022030200860	2655 NE 186 TER
3022030370010	2635 NE 188 ST
3022040000010	18336 W DIXIE HWY
3022040000760	Vacant Land - No Address

Exhibit B. Folios that form the Ojus Sanitary Sewer Special Benefit Area	
Folio	Property Address
3022040000780	2555 NE 183 TER
3022040000790	18790 W DIXIE HWY
3022040000800	2575 NE 183 TER
3022040010010	2380 NE 187 ST
3022040010060	2330 NE 187 ST
3022040010200	2390 NE 186 ST
3022040020070	2400 NE 187 ST
3022040040010	Vacant Land - No Address
3022040040020	18550 NE 23 CT
3022040040030	Vacant Land - No Address
3022040090010	18310 W DIXIE HWY
3022040090050	18300 W DIXIE HWY
3022040090055	2585 NE 183 ST
3022040090060	2575 NE 183 ST
3022040090062	2565 NE 183 ST
3022040090350	2595 NE 182 TER
3022040090460	2596 NE 182 TER
3022040090470	18220 NE 25 PL
3022040090480	18200 NE 25 PL
3022040090580	2550 NE 182 ST
3022040090590	18150 NE 25 PL
3022040090591	18100 NE 25 PL
3022040090600	2555 NE 181 ST
3022040090680	2560 NE 181 ST
3022040090700	18050 W DIXIE HWY
3022040090740	18290 W DIXIE HWY
3022040090750	Vacant Land - No Address
3022040090760	Vacant Land - No Address
3022040090770	18280 W DIXIE HWY
3022040090820	18240 W DIXIE HWY
3022040090870	18220 W DIXIE HWY
3022040090880	18200 W DIXIE HWY
3022040090890	18190 W DIXIE HWY
3022040090900	18190 W DIXIE HWY
3022040090910	18180 W DIXIE HWY
3022040090920	18170 W DIXIE HWY
3022040090940	18100 W DIXIE HWY
3022040160010	2401 NE 187 ST
3022090100010	17990 W DIXIE HWY
3022090100030	Vacant Land - No Address
3022040520001 (Reference Folio)	
3022040520010 (Unit A),	2575 NE 182 ST # A

Exhibit B. Folios that form the Ojus Sanitary Sewer Special Benefit Area	
Folio	Property Address
3022040520001 (Reference Folio)	
3022040520020 (Unit B)	2577 NE 182 ST # B
Total No. of Parcels	83
Total No. of Folios	84

Source: Property Appraiser Data from 12/05/2022

Exhibit C. FY 2023-2024 Ojus Sanitary Sewer Special Benefit Area Assessment Roll

Folio	Lot Size (SqFt)	Project Cost per SqFt (\$/SqFt)	Assessment Rate per SqFt (\$/SqFt)	Estimated Total Assessment (\$)	Estimated Annual Assessment (\$)
3022030000170	52,148	15.84	0.5656	825,805	29,493
3022030000180	36,600	15.84	0.5656	579,590	20,700
3022030100010	23,040	15.84	0.5656	364,857	13,031
3022030130010	9,228	15.84	0.5656	146,133	5,219
3022030130011	5,976	15.84	0.5656	94,635	3,380
3022030130020	12,925	15.84	0.5656	204,678	7,310
3022030140010	57,499	15.84	0.5656	910,543	32,519
3022030150010	1,350	15.84	0.5656	21,378	764
3022030190010	65,350	15.84	0.5656	1,034,870	36,960
3022030190060	7,500	15.84	0.5656	118,769	4,242
3022030190070	15,000	15.84	0.5656	237,537	8,483
3022030190090	15,150	15.84	0.5656	239,912	8,568
3022030190120	16,300	15.84	0.5656	258,124	9,219
3022030190140	23,309	15.84	0.5656	369,117	13,183
3022030200010	7,016	15.84	0.5656	111,104	3,968
3022030200020	7,250	15.84	0.5656	114,810	4,100
3022030200030	9,750	15.84	0.5656	154,399	5,514
3022030200040	9,350	15.84	0.5656	148,065	5,288
3022030200041	9,350	15.84	0.5656	148,065	5,288
3022030200050	29,496	15.84	0.5656	467,093	16,682
3022030200090	7,250	15.84	0.5656	114,810	4,100
3022030200100	7,500	15.84	0.5656	118,769	4,242
3022030200110	7,500	15.84	0.5656	118,769	4,242
3022030200120	10,000	15.84	0.5656	158,358	5,656
3022030200121	20,000	15.84	0.5656	316,716	11,311
3022030200130	2,500	15.84	0.5656	39,590	1,414
3022030200131	2,500	15.84	0.5656	39,590	1,414
3022030200270	29,202	15.84	0.5656	462,437	16,516
3022030200310	33,000	15.84	0.5656	522,581	18,664
3022030200340	5,000	15.84	0.5656	79,179	2,828
3022030200350	10,000	15.84	0.5656	158,358	5,656
3022030200360	10,000	15.84	0.5656	158,358	5,656
3022030200700	7,500	15.84	0.5656	118,769	4,242
3022030200770	13,214	15.84	0.5656	209,254	7,473
3022030200780	12,200	15.84	0.5656	193,197	6,900
3022030200790	10,612	15.84	0.5656	168,050	6,002
3022030200810	27,072	15.84	0.5656	428,707	15,311
3022030200850	6,525	15.84	0.5656	103,329	3,690
3022030200860	21,171	15.84	0.5656	335,260	11,974
3022030370010	13,678	15.84	0.5656	216,602	7,736
3022040000010	17,960	15.84	0.5656	284,411	10,158
3022040000760	6,800	15.84	0.5656	107,683	3,846
3022040000780	27,200	15.84	0.5656	430,734	15,383
3022040000790	17,160	15.84	0.5656	271,742	9,705
3022040000800	6,800	15.84	0.5656	107,683	3,846
3022040010010	117,553	15.84	0.5656	1,861,546	66,484
3022040010060	17,147	15.84	0.5656	271,536	9,698
3022040010200	15,750	15.84	0.5656	249,414	8,908
3022040020070	43,834	15.84	0.5656	694,146	24,791
3022040040010	4,445	15.84	0.5656	70,390	2,514
3022040040020	11,325	15.84	0.5656	179,340	6,405
3022040040030	29,680	15.84	0.5656	470,007	16,786
3022040090010	13,169	15.84	0.5656	208,542	7,448
3022040090050	4,477	15.84	0.5656	70,897	2,532
3022040090055	7,050	15.84	0.5656	111,642	3,987
3022040090060	7,050	15.84	0.5656	111,642	3,987
3022040090062	7,050	15.84	0.5656	111,642	3,987
3022040090350	15,064	15.84	0.5656	238,550	8,520
3022040090460	6,250	15.84	0.5656	98,974	3,535
3022040090470	6,775	15.84	0.5656	107,288	3,832

Exhibit C. FY 2023-2024 Ojus Sanitary Sewer Special Benefit Area Assessment Roll					
Folio	Lot Size (SqFt)	Project Cost per SqFt (\$/SqFt)	Assessment Rate per SqFt (\$/SqFt)	Estimated Total Assessment (\$)	Estimated Annual Assessment (\$)
3022040090480	6,345	15.84	0.5656	100,478	3,589
3022040090580	6,250	15.84	0.5656	98,974	3,535
3022040090590	6,800	15.84	0.5656	107,683	3,846
3022040090591	6,560	15.84	0.5656	103,883	3,710
3022040090600	6,250	15.84	0.5656	98,974	3,535
3022040090680	16,500	15.84	0.5656	261,291	9,332
3022040090700	13,000	15.84	0.5656	205,865	7,352
3022040090740	2,000	15.84	0.5656	31,672	1,131
3022040090750	2,496	15.84	0.5656	39,526	1,412
3022040090760	2,600	15.84	0.5656	41,173	1,470
3022040090770	13,000	15.84	0.5656	205,865	7,352
3022040090820	13,000	15.84	0.5656	205,865	7,352
3022040090870	7,800	15.84	0.5656	123,519	4,411
3022040090880	5,200	15.84	0.5656	82,346	2,941
3022040090890	5,200	15.84	0.5656	82,346	2,941
3022040090900	2,600	15.84	0.5656	41,173	1,470
3022040090910	2,600	15.84	0.5656	41,173	1,470
3022040090920	5,200	15.84	0.5656	82,346	2,941
3022040090940	10,400	15.84	0.5656	164,692	5,882
3022040160010	11,588	15.84	0.5656	183,505	6,554
3022090100010	107,899	15.84	0.5656	1,708,667	61,024
3022090100030	28,252	15.84	0.5656	447,393	15,978
3022040520001 (Reference Folio)	5,981	15.84	0.5656	55,880	1,996
3022040520010 (Unit A)					
3022040520001 (Reference Folio)				38,832	1,387
3022040520020 (Unit B)					
Total Estimated Cost of the Improvement (\$)				21,221,095	
Total Estimated Annual Assessment (\$)				757,896	
Summary Section:	Total Area (SqFt)	Total Project Estimated Cost (\$)	Assessment Loan Term (Yrs)	Average of Total Cost Per Property (\$)	Average Assessment per Year Over Loan Term (\$)
	1,340,071	21,221,094.85	28	252,632	9,023
3022040020070	This existing parcel is the result of the combination of prior folios 3022040020080, 3022040020090 and 3022040020100				
3022040010010					
	This existing parcel is the result of the combination of prior folios 3022040010020, 3022040010030, 3022040010040, 3022040010050, 3022040010080, 3022040010090, 3022040010100, 3022040010101, 3022040010110, 3022040010130, 3022040010140 and 3022040010150				

Source: Folio and Lot Size per Property Appraiser Data extracted on 12/05/2022



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 2, 2023

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)
5-2-23

ORDINANCE NO. 23-34

ORDINANCE AMENDING THE BOUNDARIES OF THE OJUS
SANITARY SEWER SPECIAL BENEFIT AREA (OSSSBA) IN
MIAMI-DADE COUNTY, FLORIDA BY ADDING TWO
PROPERTIES; RATIFYING THE NON-AD VALOREM
ASSESSMENT ROLL, RATES AND ASSESSMENTS FOR THE
OSSSBA FOR THE FISCAL YEAR COMMENCING OCTOBER
2023 AND ENDING SEPTEMBER 30, 2024; AND PROVIDING
SEVERABILITY, EXCLUSION FROM THE CODE AND AN
EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, 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 hereby adopts and incorporates the foregoing recitals and the accompanying memorandum as if stated herein.

Section 2. This Board hereby amends the boundaries of the Ojus Sanitary Sewer Special Benefit Area (OSSSBA) to add two properties identified by Folio Nos. 30-2204-016-0010 and 30-2203-000-0170 as further described in the accompanying memorandum and reflected in Exhibits A and B to the accompanying memorandum.

Section 3. This Board intends to use the uniform method of collection of non-ad valorem assessments as authorized in section 197.3632 of the Florida Statutes, as amended, for collecting the non-ad valorem assessments levied within Miami-Dade County for special benefit areas, including the OSSSBA described in the accompanying memorandum. Descriptions of such

areas subject to the assessments, units of measurement, and the amount of the assessments are attached to the accompanying memorandum as Exhibit C and incorporated herein by reference. Except as herein provided, this Board hereby also incorporates by reference: (1) all previously adopted ordinances establishing or amending the service area or parcels and associated folios described in Exhibits A and B to the accompanying memorandum; and (2) any resolutions adopting preliminary or amended assessment rolls for the service area described in Exhibits A and B.

Section 4. After duly advertised public hearing, this Board has received written objections, if any, and heard testimony from all interested persons and, based on the special benefits to the properties within the OSSSBA parcels described in Exhibit A and B to the accompanying memorandum, hereby determines that the assessments shown on the assessment roll are in proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment rolls and that the levies of the assessments are needed to fund the cost of providing sewer infrastructure for parcels identified within this service area. Said assessment rolls (a copy of which are made a part hereof by reference) are approved, adopted, and confirmed pursuant to section 18-14(6) of the Code of Miami-Dade County, Florida.

Section 5. All assessments made upon said assessment rolls shall constitute a special assessment lien upon real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of sections 18-21 and 18-14(8) of the Code of Miami-Dade County, Florida.

Section 6. All assessments shall be payable in accordance with section 18-14(7) of the Code of Miami-Dade County, Florida. As authorized by section 197.3632, Florida Statutes, all special assessments levied and imposed under the provisions of the various ordinances previously approved by the Board, 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, or section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 7. Within thirty (30) days from the effective date of this ordinance, the Clerk of the Board of County Commissioners is directed to deliver to the Finance Director a copy of the assessment roll, and to cause a duly certified copy of this ordinance, together with the assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 8. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the Code of Miami-Dade County in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. All provisions of 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 override by this Board.

Section 11. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

PASSED AND ADOPTED:

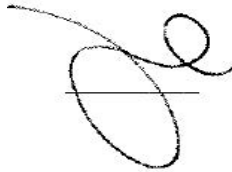
May 2, 2023

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

Jorge Martinez-Esteve

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a horizontal line at the bottom.