

Memorandum



Date: (Public Hearing 03-18-08)
February 19, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 5(E)

Ordinance 08-33

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess".

Subject: Ordinance Expanding the Boundaries of the South Kendall Community Development District (Commission District No. 9)

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached Ordinance expanding the boundaries of the South Kendall Community Development District (CDD), lying wholly within unincorporated Miami-Dade County, from 40.32 acres to 52.98 acres, an increase of approximately 12.66 acres, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes, subject to acceptance of the declaration of restrictive covenants running with the lands of the expansion area within the jurisdiction of the CDD.

Scope

This CDD is located within Commission District 9 and will provide funding for capital improvements as well as multipurpose maintenance functions within the CDD. The expanded CDD will encompass a total of 581 townhouse units for a total infrastructure cost of approximately \$4.746 Million.

Fiscal Impact/Funding Source

Expansion of the South Kendall Community Development District will have no fiscal impact to Miami-Dade County. CDD funding is provided by private CDD liens and assessments against affected property and may be collected privately or through the annual Combined Real Property tax bill pursuant to an interlocal agreement with Miami-Dade County. Upon adoption of this Ordinance, CDD costs to purchasers of new dwelling units within the expanded area will exceed the amount paid by individual owners within the original CDD boundary.

Track Record/Monitor

Special taxing districts have been created to maintain this development's infrastructure and open common areas, including the expansion area, should the Homeowners Association or CDD be dissolved or fails to fulfill its maintenance obligations. The special taxing districts will remain dormant until such time as Miami-Dade County determines to implement them.

Background

The South Kendall Community Development District was created by the BCC on May 25th, 2004, pursuant to Ordinance No. 04-107. The CDD currently encompasses 40.32 acres with approximately \$3.597 Million in infrastructure costs servicing a projected 434 townhouse units. Development within the expanded boundary will provide 147 additional townhouse units, and infrastructure improvements costing approximately \$1.149 Million and covering an additional 12.66 acres. Upon adoption of the attached Ordinance, the South Kendall Community Development District as amended will provide \$4.746 Million in infrastructure improvements, and 581 townhouse units encompassing a total of 52.98 acres. The petition has provided consent documentation from individual owners of dwelling units within the expansion area agreeing to the proposed CDD boundary expansion.

A declaration of restrictive covenants for the expansion area has been submitted consistent with the requirements of Resolution R-413-05 adopted by the Board on April 5, 2005, and as amended by Resolution No. R-883-06, adopted on July 18, 2006, to add language regarding the option to pay capital assessments in full at time of closing. The restrictive covenant provides for notice in the public records of the projected taxes and assessments to be levied by the CDD, individual prior notice to the initial purchaser of a residential lot or unit within the development and provisions for remedial options to initial purchasers whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

The BCC is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish and expand governmental units such as this CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

The roads and other infrastructure related to this development are both public and private and will be maintained by Miami-Dade County and the CDD.


Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 18, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(E)

03-04-08

ORDINANCE NO. 08-33

ORDINANCE GRANTING PETITION OF SOUTH KENDALL COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO EXPAND THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 04-107; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, Article VIII, Section 6(1) of the Florida Constitution provides for exclusive County Chapter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, at its meeting of May 25, 2004, the Board of County Commissioners of Miami-Dade County adopted Ordinance No. 04-107, establishing the South Kendall Community Development District ("District" or "Petitioner") and providing for specific boundaries of the District; and

WHEREAS, pursuant to Section 190.046, Florida Statutes, the District may petition and the Board of County Commissioners has the authority to expand the boundaries of a community development district within its jurisdiction; and

WHEREAS, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of Sections 190.005(2)(b) and 190.046(1), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; and

WHEREAS, the Board of County Commissioners finds that the statements contained in the Petition to Expand the District Boundaries are true and correct; and

WHEREAS, the expansion of the District boundaries is not inconsistent with any applicable element or portion of the State comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the area of land to be included in the expansion of the district boundaries is sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the expansion of the District boundaries is the best alternative available for delivering the community development facilities and services to the expanded area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District within the expanded area will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District, as the boundaries of the District are expanded, is amenable to separate special-district government; and

WHEREAS, the owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential lots or units within the expansion area with notice of liens and assessments applicable to such parcels, with certain remedial rights vesting in the purchasers of such parcels if such notice is not provided in a timely and accurate manner; and

WHEREAS, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes,

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

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to Expand the Boundaries of the South Kendall Community Development District to include the real property described in the petition attached hereto, which was filed by the District on September 10, 2007, and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein as Exhibit "A."

Section 3. The external boundaries of the District as expanded are contiguous, and shall be depicted on the location map and legal description attached hereto and incorporated herein as Exhibit "B."

Section 4. The current members of the Board of Supervisors are as follows:

Miguel Avila

Beysi Orbea

Tracy Pedrouzo

Brian Mulqueen

Section 5. The name of the expanded District shall remain "South Kendall Community Development District."

Section 6. Notwithstanding any power granted to the South Kendall Community Development District pursuant to this Ordinance or Ordinance No. 04-107, neither the District nor any real or personal property or revenue in the District shall, solely by reason of the

District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 7. Except to expand the boundaries of the District as provided herein, this Ordinance does not affect, amend or modify Ordinance No. 04-107.

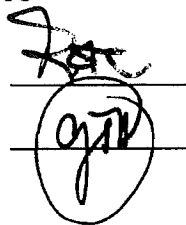
Section 8. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 9. 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.

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: **March 18, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Gerald T. Heffernan