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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

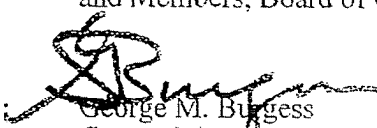
Memorandum



Date: (Public Hearing 11-06-07)
October 16, 2007

Agenda Item No. 5(L)

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

From: 
George M. Burgess
County Manager

Subject: Ordinance Expanding and Contracting the Boundaries of the Palm Glades Community
Development District (Commission District No. 8) O#07-161

Recommendation

It is recommended that the Board adopt the attached Ordinance expanding by 15.85 acres and contracting by 5.87 acres the boundaries of the Palm Glades Community Development District (CDD) in unincorporated Miami-Dade County 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. The CDD boundaries as amended will increase the area encompassed by the CDD from 286.08 acres to 296.06 acres

Scope

This CDD is located within Commission District 8 and will provide funding for capital improvements as well as multipurpose maintenance functions within the CDD.

Fiscal Impact/Funding Source

Revising the Palm Glades Community Development District boundary 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. Costs to new owners within the CDD boundaries as amended will remain the same.

Track Record/Monitor

A special taxing district has been created to maintain the development's infrastructure such as private roadways, private area storm drainage and landscaping, should the CDD be dissolved or fail to fulfill its maintenance obligations. The special taxing district will remain dormant until such time as Miami-Dade County determines to implement the district. A petition to amend the previously created Silver Palm East and Silver Palm West Multipurpose Maintenance and Street Lighting Special Taxing District to reflect the amended boundaries of the Palm Glades CDD will be submitted.

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The original Palm Glades CDD proffered restrictive covenants which specified CDD costs to new owners and was recorded in the Public Records of Miami-Dade County at Clerk's File No. 2005R1224033 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. A covenant to amend the original CDD restrictive covenants and releasing the removed property from the covenants and restrictions of the original Declaration of Restrictive Covenants has been provided along with a second Declaration of Restrictive Covenants covering the proposed expansion area.

This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish, expand or otherwise alter the boundaries of governmental units such as this CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

The roads within 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: November 6, 2007


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

SUBJECT: Agenda Item No. 5(L)

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(L)

11-06-07

ORDINANCE NO. 07-161

ORDINANCE GRANTING PETITION OF PALM GLADES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO EXPAND AND CONTRACT THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 05-181; 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 October 18, 2005, the Board of County Commissioners of Miami-Dade County adopted Ordinance No. 05-181, establishing the Palm Glades 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 and Contract the District Boundaries are true and correct; and

WHEREAS, the alteration 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 the area of land being removed from the district boundaries does not impact such functionality; 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 the area of land being removed will not impact such delivery; 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 amcnable 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 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 contained in such covenants is a provision relcasing that portion of lands to be removed from the CDD from the obligations of the aforesaid restrictive covenants; 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 and Contract the Boundaries of the Palm Glades Community Development District to include and remove the real property described in the petition attached hereto, which was filed by the District on May 8, 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 attached hereto and incorporated herein as Exhibit "B" and legally described in the Petition.

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

Greg McPherson

Sandy Chen

Mercedes Henderson

Angel Rodriguez

Miguel Avila

Section 5. The name of the expanded District shall remain "Palm Glades Community Development District."

Section 6. Notwithstanding any power granted to the Palm Glades Community Development District pursuant to this Ordinance or Ordinance No. 05-181, 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 alter the boundaries of the District as provided herein, this Ordinance does not affect, amend or modify Ordinance No. 05-181.

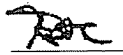

Section 8. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

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: **November 6, 2007**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Gerald T. Heffernan

