

MEMORANDUM

Agenda Item No. 5(N)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

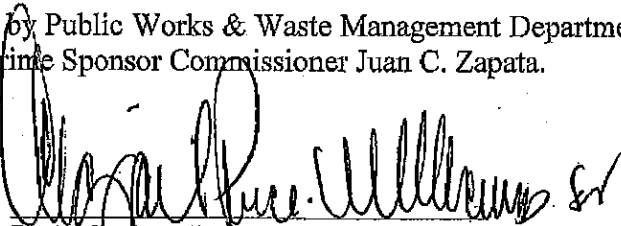
DATE: (Public Hearing 9-1-15)
June 30, 2015

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

SUBJECT: Ordinance granting petition of
Interlaken Community
Development District to expand
the boundary of the district
established by Ordinance
No. 11-101

Ordinance No. 15-82

The accompanying ordinance was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: June 30, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Ordinance Granting Petition of Interlaken Community Development District to
Expand the Boundaries of the District Established by Ordinance No. 11-101

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance expanding the boundaries of the Interlaken Community Development District (CDD). This proposed district lies wholly within unincorporated Miami-Dade County (County) and will be expanded from 30 acres to 40 acres pursuant to the authority granted by the 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 Commissioner Juan C. Zapata's District 11 and will provide funding for capital improvements and multipurpose maintenance functions within the CDD. The expanded CDD will encompass a total of 60 townhouse units for a total infrastructure cost of approximately \$2.505 Million.

Fiscal Impact/Funding Source

Expansion of the Interlaken CDD will have no fiscal impact to the 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 the 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 boundaries.

Track Record/Monitor

A special taxing district has been created to maintain this development's infrastructure and open common areas should the Homeowners Association or CDD be dissolved or fail to fulfill its maintenance obligations. The special taxing district will remain dormant until such time as the County determines to implement them. Upon adoption of attached ordinance, the boundaries of the original special taxing district will be amended to include the expanded area of the CDD.

Background

The Interlaken CDD was created by the Board on December 19, 2011, pursuant to Ordinance No. 11-101. The CDD currently encompasses 30 acres with approximately \$2.089 Million in infrastructure costs servicing a projected 89 single-family homes and 91 townhouse units. Development within the expanded boundary will provide 60 additional townhouse units, and infrastructure improvements costing approximately \$2.505 million, covering an additional ten (10) acres. Upon adoption of the attached Ordinance, the Interlaken CDD as amended will provide \$4.594 million in infrastructure improvements and 151 townhouse units and 89 single-family homes encompassing a total of 40 acres. The petition has provided consent documentation from individual owners of dwelling units within the expansion area agreeing to the proposed CDD boundary expansion.

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
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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 Board is authorized by the Florida Constitution and the County Home Rule Charter to establish and expand governmental units such as this CDD within the 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 the County and the CDD.



Alina T. Hudak
Deputy Mayor




MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015


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

SUBJECT: Agenda Item No. 5(N)

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
- 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 _____, 3/5's _____, unanimous _____) 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. 5(N)
9-1-15

ORDINANCE NO. 15-82

ORDINANCE GRANTING PETITION OF INTERLAKEN COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO EXPAND THE BOUNDARY OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 11-101; 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 December 19, 2011, the Board of County Commissioners of Miami-Dade County adopted Ordinance No. 11-101, establishing the Interlaken Community Development District ("District" or "Petitioner") and providing for specific boundary 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 boundary 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 Boundary are true and correct; and

WHEREAS, the expansion of the District boundary 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 amended external district boundary is sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community and the area of land included does not impact such functionality; and

WHEREAS, the expansion of the District boundary is the best alternative available for delivering the community development facilities and services that will be provided by the District and the area of land being included will not impact such delivery; and

WHEREAS, the proposed facilities and services to be provided by the District within the amended external boundary 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 amended District boundary is amenable to separate special-district government; and

WHEREAS, the owner of the property that is to be added to the District and developed and served by the community development services and facilities provided by the amended

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 expanded 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,

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 Boundary of the Interlaken Community Development District to include the real property described in the petition attached hereto, which was filed by the District on February 6, 2015, 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 "1."

Section 3. The external boundary of the District as expanded is sufficiently contiguous, and shall be depicted on the location map attached hereto and incorporated herein as Exhibit "2" and legally described in the Petition.

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

Maria Carolina Herrera

Teresa Baluja

Yadira Monzon

Carmen Travieso

Indira Jimenez

Patti Powers

Luis Hernandez

Rich Hans

Section 5. The name of the amended District shall remain "Interlaken Community Development District."

Section 6. Notwithstanding any power granted to the Interlaken Community Development District pursuant to this Ordinance or Ordinance No. 11-101, 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 boundary of the District as provided herein, this Ordinance does not affect, amend or modify Ordinance No. 11-101.

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: September 1, 2015

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

JRA

Juliette R. Antoine