

ORDINANCE NO. 78-93

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS "KENDALE LAKES SOUTH LANDSCAPE MAINTENANCE IMPROVEMENT SPECIAL TAXING DISTRICT" IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 11) grants to the electors of Dade County power to adopt a home rule charter of government for Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape maintenance programs, and that all funds shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Metropolitan Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a petition for the creation of a special taxing district to be known as the "KENDALE LAKES SOUTH LANDSCAPE MAINTENANCE IMPROVEMENT SPECIAL TAXING DISTRICT" duly signed by the Director, Dade County Department of Planning, of property within the proposed district, was filed with the Clerk of the County

Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing a landscape maintenance program to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed 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 of Metropolitan Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the landscape maintenance program to be provided and maintained within the proposed district, an estimate of the cost of constructing and maintaining such project, certifying that the proposed project and proposed district conform to the master plan of development for the County, and setting forth his recommendations concerning the need and desirability for the requested project, the ability of the affected property to bear special assessments for financing the cost of maintaining such project, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, an estimate of the amount to be assessed against each square foot of the benefited property within the proposed district, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries and location of the proposed district. Such report and recommendations of the County Manager was filed with the Clerk and transmitted to the Mayor; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the project petitioned for would be of special benefit to all property

within the proposed district and that the total amount of the special assessments to be levied would not be in excess of such special benefit, the Clerk of the Board certified the place, date, and hour for a public hearing on the petition and the report and recommendations of the County Manager to be held on Tuesday, December 12, 1978. Copies of said certificate were duly published in newspapers of general circulation published in Dade County, and copies thereof were posted in more than five (5) public places within the proposed district, and copies thereof mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Dade County tax assessment roll and to all persons, firms or corporations having any right, title or interest in said property; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday December 12, 1978, held a public hearing in accordance with the provisions of said Clerk's certificate at which public hearing all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a special taxing district in the unincorporated areas of Dade County, known and designated as the "KENDALE LAKES SOUTH LANDSCAPE MAINTENANCE IMPROVEMENT SPECIAL TAXING DISTRICT" is hereby created and established.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

All of Section 34, Township 54 South, Range 39
East, of Dade County, Florida;

LESS

All of Tract "H" of "Kendale Lakes Section 6"
as recorded in Plat Book 92 at Page 9 of the
Public Records of Dade County, Florida.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The improvements to be provided within this proposed special taxing district will consist of the following:

A landscape maintenance program to maintain the existing landscaping in the public right-of-way and pedestrian easements.

Section 4. The estimated net cost to the property owners for the landscape maintenance program including engineering and administrative, and billing, collecting and processing for the first year is \$38,524.00 and \$31,826.00 for each year thereafter. The County will advance funds for this program, which sum shall be reimbursed by special assessments. Assessment may be paid at the office of the finance director within thirty (30) days after the date of the recording of the assessment roll, without interest. Thereafter all assessments shall be payable in accordance with Section 18-14 (7) of the Code of Metropolitan Dade County, Florida. 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 Section 18-14 (8) of the Code of Metropolitan Dade County, Florida. It is estimated that the cost per assessable square foot of real property within the proposed district is \$.00213 and \$.00176 for each year thereafter.

Section 5. It is hereby declared that said project will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Manager is directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Metropolitan Dade County, Florida.

Section 7. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, and recorded in the appropriate book of records.

Section 8. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by resolution.

PASSED AND ADOPTED: December 12, 1978

Approved by County Attorney as
to form and legal sufficiency. ROBERT L. KRAWCHECK

MEMORANDUM

107.07-17A

TO M. R. Stierheim
County Manager

DATE November 21, 1978

FROM *William M. Powell*
William M. Powell
Director
Public Works Department

SUBJECT Kendale Lakes South Landscape
Maintenance Special Taxing
District

Under Section 18-3 of the Code of Metropolitan Dade County, the County Manager is required to submit a report and recommendation for the creation and establishment of special taxing districts. Under this section of the Code, the Manager is required to cause to be made under his supervision and direction such investigations, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report concerning such districts.

As Public Works Director, responsible for the detailed investigation of such districts, the following facts are hereby submitted concerning the creation of Kendale Lakes South Landscape Maintenance Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed District is located entirely within a portion of unincorporated Dade County, and the boundaries, as set forth in the petition are:

Bounded on the North by SW 72 Street (Sunset Drive)
Bounded on the East by SW 137 Avenue
Bounded on the South by SW 88 Street (North Kendal Drive)
Bounded on the West by SW 147 Avenue

Upon review by the Public Works Department, the boundaries were not altered. A public meeting was held on September 19, 1978 at the Howard McMillan Junior High School at which time the residents agreed upon the boundaries, and a vast majority were in favor of the planned maintenance program.

Therefore, the boundaries of the "Kendale Lakes South Landscape Maintenance Special Taxing District" recommended herein are as follows:

All of Section 34, Township 54 South, Range 39 East, of
Dade County, Florida;

LESS

All of Tract "H" of "Kendale Lakes Section 6" as recorded in
Plat Book 92 at Page 9 of the Public Records of Dade County,
Florida.

The boundaries recommended are shown on the attached plan entitled "Kendale Lakes South Landscape Maintenance Special Taxing District" and hereinafter referred to as Exhibit "A".

2. LOCATION OF THE SERVICES TO BE PROVIDED

The services to be provided will consist of a maintenance program to avoid excessive growth and accumulation of weeds, under-growth, and other plant life so as to avoid infestation by animals and insects which may adversely affect and impair the economic welfare of adjacent developed properties within the boundaries of the district.

The areas to be maintained consist of swale and center medians within and adjacent to the following road rights-of-way:

1. All median strips on SW 137th Avenue between N. Kendal Drive and Sunset Drive.
2. The swale and mound area on the west side of SW 137th Avenue from N. Kendal Drive to SW 84th Street.
3. Swale on west side of SW 137th Avenue from Kendale Lakes Boulevard to SW 72 Street.
4. Swale on east side of SW 137th Avenue excluding property around Pan American Bank north from N. Kendal Drive to Winston Park homes (approximately SW 74th Street).
5. All median strips on SW 142nd Avenue from N. Kendal Drive to Sunset Drive.
6. All median strips on Kendale Lakes Boulevard from SW 137th Avenue to SW 147th Avenue.
7. All of Tract A-3 of Kendale Lakes Section 1.
8. All median strips on SW 84th Street from SW 137th Avenue to SW 142nd Avenue.
9. Large swale area on south side on Sunset Drive from SW 137th Avenue to SW 147th Avenue.
10. Swale area on east side of SW 147th Avenue from N. Kendal Drive to Sunset Drive.
11. Other additional areas may be maintained provided the Dade County Parks Department deems it appropriate.

Maintenance will commence on October 1st of the year following the creation, establishment and ratification by vote of the electorate within the district. The maintenance will be provided by the most effective and efficient means available, on a yearly basis, as administered by the Dade County Parks and Recreation Department.

3. ESTIMATED COST FOR THIS IMPROVEMENT

The request made by the citizenry, within this proposed district, is for the continuous maintenance of the existing landscaping improvements and requires a capital outlay as a part of this proposed district. Other landscape maintenance functions requested by individual or civic groups may be provided subject, however, to the approval by the Dade County Parks and Recreation Department. The expense of the landscape maintenance program will be continuous. However, because the costs and maintenance functions may increase, the estimated annual expense, as indicated herein, can only be based on the initial maintenance program. The cost of the maintenance program will therefore require adjustment annually.

A cost estimate prepared by the Dade County Parks and Recreation Department for a landscape maintenance program to serve the properties within the boundaries of the proposed district indicates the first years cost to be \$28,500 which includes \$2,100 capital outlay which will be financed by Dade County and reimbursed from the first year district assessment which will be increased in order to reimburse Dade County.

In addition to the cost for the maintenance program and capital outlay, it will be necessary for the County to recover the engineering and administrative costs involved in establishing and maintaining the district as provided by Chapter 18 of the Code. This is estimated to be \$762.00 the first year and \$1,764.00 annually thereafter. Also, it will be necessary for the County to charge the district a fee for handling the billing, collecting the assessments and processing the district. This cost is estimated to be approximately \$9,262.00 the first year and \$1,562.00 each year thereafter.

It is recommended that an annual meeting be conducted, with the owners of property within the district as an integral part of the annual budget process. This will enable Dade County, Parks and Recreation Department as administrators, to inform and determine through resident contract the following:

1. Level of service (added or deleted maintenance functions)
2. Areas to be maintained
3. Approximate cost to be levied and rate of assessment

ESTIMATED ANNUAL COSTS
(Initial Maintenance Program)

<u>Item</u>	<u>First Year</u>	<u>Second Year</u>
Initial Landscape Maintenance Program Capital Outlay Included	\$28,500	\$28,500
Engineering & Administrative	762	1,764
Billing, Collecting & Processing Cost	<u>9,262</u>	<u>1,562</u>
Total Cost to District	\$38,524	\$31,826

The above costs are estimated and will be adjusted from actual experience annually.

4. CONFORMITY TO THE MASTER PLAN OF DADE COUNTY

The proposed improvement conforms to and in no way conflicts with the master plan of development for Dade County. (Memorandum from Planning Department is attached.)

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS IMPROVEMENT

The proposed landscape maintenance program is desirable and needed. The attached memorandum from the Tax Assessor's Office shows the 1977 gross property valuation within the district to be \$66,901,744 and is a good indication that the affected property is able to support such assessments as may be required. In my opinion, the proposed improvement will provide special benefits to property within the district exceeding the amount of special assessments to be levied.

6. ESTIMATE OF ASSESSMENTS AGAINST BENEFITTED PROPERTY

The combined cost of the landscape maintenance program, engineering and administration expenses as estimated and indicated in Item No. 3 is \$38,524 the first and \$31,826 the second year.

The cost of this improvement program is to be paid for by special assessments levied against benefitted properties and is to be apportioned to individual properties within the district on the basis of square footage.

The cost per square foot to be assessed for this service is estimated as follows:

	<u>First Year</u>	<u>Second Year</u>
Total Cost to District	\$38,524	\$31,826
Estimated Total Assessable Square Footage Within the District Limits	18,119,875 Sq. Ft.	
Cost Per Assessable Square Foot	.00213	.00176

SAMPLE ASSESSMENT

<u>Data</u>	<u>First Year</u>	<u>Each Year Thereafter</u>
Typical Residential Interior Lot (85 x 110) 9350 Ft ² x (Cost/Square Foot) =	\$ 19.92	\$ 16.46
Typical Residential Corner Lot (95 x 110) 10316 Ft ² x (Cost/Square Foot) =	\$ 21.97	\$ 18.16
Typical Unit on Kendale Lakes Townhouse Condo 2 Total Tract Ft ² x % Ownership x Rate 499633 x .00856 x (Cost/Square Foot) =	\$ 9.11	\$ 7.53
Typical Unit on Promenade at Kendale Lakes Total Tract Ft ² x % Ownership x Rate 1004929 x .00178 x (Cost/Square Foot) =	\$ 3.81	\$ 3.15

These costs are based on a preliminary estimate of 18,119,875 total square feet and will be adjusted from actual experience.

7. RECOMMENDATION OF REFERENDUM REQUIREMENT

It is my recommendation that the referendum required by Chapter 18 of the Code be conducted by the Elections Department using a mailed ballot. Upon approval by the County Commission of this referendum, the Elections Department will send a summary of the report, a copy of which is attached, on this district to each registered voter living within the district. My office will also be available to answer any questions from the public or from your office in regard to the financial and/or engineering facts of this district.

We further recommend that the County Manager sign the attached report to the Board of County Commissioners; after you have reviewed this report and concur with our findings.

- Encls: (1) Plan of proposed improvement (Exhibit "A")
 (2) Copy of memo from Planning Department
 (3) Copy of memo from Property Appraisal Department
 (4) Copy of Summary of Report and (Exhibit "B")
 (5) Copy of Dade County Parks and Recreation
 Cost Estimate

STATE OF FLORIDA)
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of ORDINANCE OR SECTION (s) of CODE of Dade County, Florida, as appears of record.

1. ORDINANCE NO. 78-93, adopted by the said Board of County Commissioners at its meeting held on December 12, 1978.
The effective date of this ORDINANCE is:

when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by Resolution.

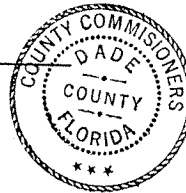
2. SECTION (s) of CODE of Dade County, Florida.

SAID SECTION (s) are/were in full force and effect as of:

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 23rd day of January A.D. 19 79.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

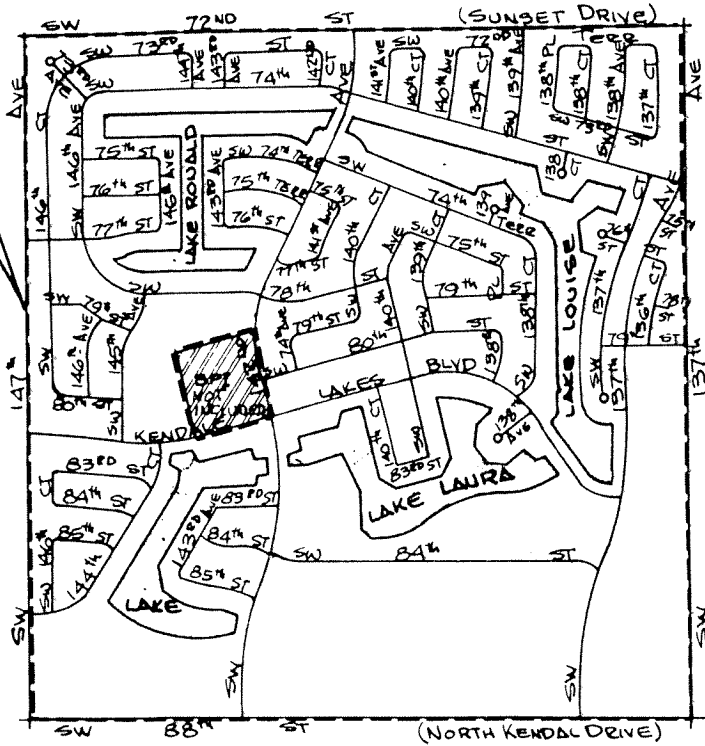
By Elizabeth D. Elkin
Deputy Clerk



SEAL

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

PROPOSED DISTRICT BOUNDARIES



KENDALE LAKES SOUTH
LANDSCAPE MAINTENANCE
SPECIAL IMPROVEMENT DISTRICT

SECTION · 34 - 54 - 39

EXHIBIT "B"

MAY 15th, 1978

7350
 .00213
 19.92
 20.95
 21.97
 23.00
 9.11
 7.59
 3.81
 3.99

MEMORANDUM

1-17A

TO Mr. David Duncan
Special Taxing Districts Section
Public Works Department

DATE September 13, 1973

FROM Bill Bird, Director
Park and Recreation Department

SUBJECT Tax District Maintenance -
Kendale Lakes South

As per your request, I am furnishing you the following estimate for maintenance services for the proposed Special Taxing District - Kendale Lakes South. Our total first year expenses are estimated at \$28,500.

These funds would cover the following program of maintenance:

1. Mow, trim and edge all turf as needed - Minimum of every two weeks per year.
2. Remove all trash and litter as needed.
3. Trim and/or prune all trees as needed - Minimum of annually.
4. Remove and replace dead trees and shrubbery as needed.
5. Set up a standard spray program of herbicides and insecticides for turf and trees.
6. Fertilize all turf, trees, and shrubs - minimum of twice a year.
7. Be available for meetings and a source of daily information as needed to the residents of the Tax District.

Proposed Budget
Kendale Lakes South

01-101	Personal Services	\$ 16,950
01-102	Fringe Benefits	4,500
02-202	Outside Contractual Service Non-Professional	2,600
03-301	Other Contractual Cost - Insurance	550
08-801	Commodities - Petroleum Supplies	50
08-802	Commodities - Repairs and Maintenance Supplies	1,300
08-804	Commodities - Medical Supplies	50
08-805	Commodities - Cleaning & Housekeeping Supplies	50
08-806	Commodities - General & Admin. Supplies	50
08-807	Commodities - Other Operating Supplies	300
11-910	Capital Outlay - Machinery & Equipment (Over \$100)	<u>2,100</u>
	TOTAL	<u>\$ 28,500</u>

RDS:mkm

cc: Dr. Pezoldt
Mr. Trowbridge
Mr. Scharbert