

RESOLUTION NO.      R-923-73

RESOLUTION CREATING AND ESTABLISHING  
AN IMPROVEMENT DISTRICT IN DADE COUNTY,  
FLORIDA, KNOWN AND DESCRIBED AS "KENDALE  
LAKES LANDSCAPE MAINTENANCE IMPROVEMENT  
DISTRICT", IN ACCORDANCE WITH PROVISIONS  
OF CHAPTER 18 OF THE CODE OF METROPOLITAN  
DADE COUNTY, FLORIDA

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 improvement 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 improvement 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 improvement 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 an improvement district to be known as the "KENDALE LAKES LANDSCAPE MAINTENANCE IMPROVEMENT DISTRICT" duly signed by Janis-Fairway Development Corporation and joined in by subsequent grantees, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of an improvement 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 improvement 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 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 front foot of the benefited property within the 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 were 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 of the property owners and the report and recommendations of the County Manager to be held on Tuesday, July 17, 1973. 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 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, July 17, 1973, 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 improvement district, and no objections were made or presented to the Board; 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 improvement district, has determined to create and establish such improvement district in accordance with the report and recommendations of the County Manager,

NOW, THEREFORE, BE IT RESOLVED 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, an improvement district in the unincorporated areas of Dade County, known and designated as the "KENDALE LAKES LANDSCAPE MAINTENANCE IMPROVEMENT DISTRICT" is hereby created and established.

Section 2. The area or boundaries of this improvement district are as follows:

All of Section 27, Township 54 South, Range 39 East, Dade County, Florida; less and excepting therefrom Tracts A, B and G, according to the proposed plat of Kendale Lakes North Section One;

AND

Tracts 1 thru 16, Tract 18, Tracts 29 thru 36, Tracts 45 thru 56, and Tracts 61 thru 64 of "A. J. Bendle Sub." recorded in Plat Book 1 at Page 30, of the Public Records of Dade County, Florida.

The area and location of this improvement 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 improvement 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 \$21,797.00 and \$13,338.00 for each year thereafter. The County will advance funds for this program, which sum shall be reimbursed by special assessments. Any 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 the provisions of Section 18-14 (7) of the Code

of Metropolitan Dade County. Any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, but no discounts shall be allowed regardless of such payment. It is estimated that the cost per assessable foot of real property within the district is \$.0006 for the first year and \$.0004 for each year thereafter.

Section 5. It is hereby declared that said project will be a special benefit to all property within the improvement 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 resolution 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.

The foregoing resolution was offered by Commissioner

**Edward T. Graham**, who moved its adoption. The motion was seconded by Commissioner **Edward T. Stephenson**, and upon being put to a vote, the vote was as follows:

Harry P. Cain	<b>Absent</b>
Mike Calhoun	<b>Aye</b>
Edward C. Fogg III	<b>Abstained</b>
Mrs. Stanley (Joyce) Goldberg	<b>Aye</b>
Edward T. Graham	<b>Aye</b>
Beverly B. Phillips	<b>Absent</b>
Harvey Ruvin	<b>Aye</b>
Edward T. Stephenson	<b>Aye</b>
John B. Orr, Jr.	<b>Aye</b>

RAG:se: *rk*

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The Mayor thereupon declared the resolution duly passed and  
adopted this 31st day of July, 1973

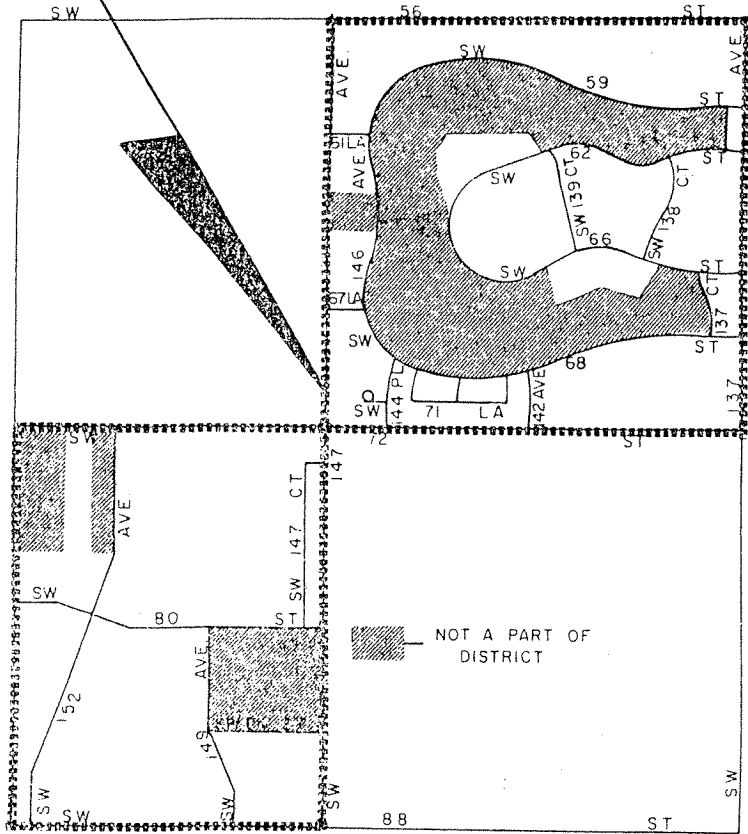
DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney as to  
form and legal sufficiency. RAG

By: EDWARD D. PHELAN  
Deputy Clerk.

PROPOSED DISTRICT BOUNDARIES



KENDALE LAKES  
LANDSCAPE MAINTENANCE  
SPECIAL IMPROVEMENT  
DISTRICT  
EXHIBIT "B"