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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Public Hearing 12-6-16)

Date: October 18, 2016

Agenda Item No. 5(E)

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

Ordinance No. 16-131

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Creating the Downtown Doral South Community Development District

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance creating the Downtown Doral South Community Development District (CDD) within the City of Doral, Florida, 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 within the jurisdiction of the CDD. The City of Doral has approved the creation of the Downtown Doral South CDD by Resolution No. R-16-139.

Scope

This Downtown Doral South CDD is located within County Commission District 12, represented by Commissioner Jose "Pepe" Diaz, and will provide funding for capital improvements, as well as multipurpose maintenance functions within the CDD.

Fiscal Impact/Funding Source

The creation of the Downtown Doral South CDD will have no fiscal impact to Miami-Dade County (County). CDD funding is derived from assessments levied against the properties within the CDD, which are secured by a lien against the properties and collected directly by the CDD or through the annual Combined Real Property tax bill pursuant to an interlocal agreement with the County.

Social Equity Statement

The proposed ordinance grants a petition for the creation of the Downtown Doral South Community Development District (CDD), pursuant to the procedures and factors set forth in Section 190.046, Florida Statutes.

If approved, pursuant to Chapter 190, Florida Statutes, the CDD will have the power to levy taxes and special assessments and charge, collect, and enforce fees and other user charges affecting property owners within the proposed district, regardless of their demographics or income levels. The CDD is a timely, efficient, effective, responsive, and economic way to deliver and finance basic community development services.

Track Record/Monitor

This development has private roads that are to be maintained by a Homeowner Association (HOA) or the Downtown Doral South CDD. A Special Taxing District will be 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 the County determines to implement the district.

Background

CC Homes at Doral, LLC, and White Course Lennar, LLC, (collectively "Petitioners"), the owners of the Downtown Doral South Development, have filed an application to create the Downtown Doral South CDD in connection with said development. Downtown Doral South Development is a proposed 130.14 acre residential development lying wholly within the municipal limits of the City of Doral, Florida, in an area bounded by theoretical NW 80 Avenue on the east, NW 41 Street on the south, NW 87 Avenue on the west, and theoretical NW 48 Street on the north. The Downtown Doral South CDD is designed to provide a financing mechanism for community infrastructure, facilities, and services along with certain ongoing operations and maintenance for the Downtown Doral South CDD. The development plan for the lands within the proposed Downtown Doral South CDD includes construction of 1,318 residential dwelling units (535 townhomes units, 443 condominiums, and 340 single family units including 122 cottages, 29 courtyards, 40 clusters, and 149 alley loaded units) with associated roadway improvements, open spaces and landscaping, recreational facilities, stormwater management system, wastewater collection system, and water distribution system, which are estimated to cost approximately $67.860 million. This development has private roads that are to be maintained by a Homeowners Association or the Downtown Doral South CDD. A detailed summary of CDD elements, as well as the cost and anticipated lack of fiscal impacts to government agencies, are presented in the attached application submitted by the Petitioner. In accordance with Florida Statute 190, the Petitioner has paid a filing fee of $15,000.00 to the County.

Three (3) declaration of restrictive covenants have 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, which was adopted on July 18, 2006, to add language regarding the option to pay capital assessments in full at the time of closing. The restrictive covenants provides for: (1) notice in the public records of the projected taxes and assessments to be levied by the Downtown Doral South CDD; (2) individual prior notice to the initial purchaser of a residential lot or unit within the development; and (3) 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.

This Board is authorized by the Florida Constitution and the County Home Rule Charter to establish governmental units, such as this CDD, within the County and to prescribe such government's jurisdiction and powers.

Michael Spring
Senior Advisor

MEMORANDUM

(Revised)

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

DATE: December 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(E)

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
____	Statement of social equity 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(E)
12-6-16

ORDINANCE NO. 16-131

ORDINANCE GRANTING PETITION OF CC HOMES AT DORAL, LLC, AND WHITE COURSE LENNAR, LLC, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING DOWNTOWN DORAL SOUTH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFERRED DECLARATION OF RESTRICTIVE COVENANTS; 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 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 Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, CC Homes at Doral, LLC, and White Course Lennar, LLC, a Florida limited liability company (collectively "Petitioners") have petitioned for the establishment of the Downtown Doral South Community Development District ("District"); and

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

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

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

WHEREAS, the creation of the District 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 within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

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

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

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the owners of the properties that are to be developed and served by the community development services and facilities to be provided by the District have submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential lots or units 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 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; and

WHEREAS, because the proposed District is located wholly within the municipal boundaries of the City of Doral, the City is in a position to be well informed regarding the merits of this District; and

WHEREAS, City of Doral has consented to the creation of the District within the municipal boundaries subject to certain conditions that the Petitioners shall have to satisfy; and the Board of County Commissioners desires to establish the District; and

WHEREAS, based on written consent of the City of Doral, the Board of County Commissioners finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the District have such powers,

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 establish the District over the real property described in the Petition attached hereto, which was filed by the Petitioner on August 17, 2016, 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 Exhibit A.

Section 3. The external boundaries of the District shall be as descripted in the certified metes and bounds legal description attached hereto and incorporated herein as Exhibit B to the Ordinance. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated as Exhibit C.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Harold Eisenacher

Ryan Palonka

Maria Carolina Herrera

Teresa Baluja

Manuel J. Echezarreta

Section 5. The name of the District shall be the "Downtown Doral South Community Development District."

Section 6. The District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Downtown Doral South Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Board of County Commissioners hereby grants to the District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Board of County Commissioners hereby grants to the District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(a)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b) Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners in connection with the petition.

Section 10. All bonds issued by the District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Board of County Commissioners.

Section 12. Notwithstanding any power granted to the District pursuant to this Ordinance, 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 13. Notwithstanding any power granted to the District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants proffered by the owners of the lands within the jurisdiction of the District, in connection with the petition submitted by the Petitioners and approved herein.

Section 15. 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 16. 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 17. 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: December 6, 2016

Approved by County Attorney as
to form and legal sufficiency: GPBL

Prepared by: MJM

Michael J. Mastrucci

"EXHIBIT A to the Ordinance"

PETITION TO CREATE DOWNTOWN DORAL
COMMUNITY DEVELOPMENT DISTRICT

Dated: August 17, 2016

PETITION TO ESTABLISH DOWNTOWN DORAL SOUTH COMMUNITY DEVELOPMENT DISTRICT

May, 2016

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PETITION TO ESTABLISH
DOWNTOWN DORAL SOUTH COMMUNITY DEVELOPMENT DISTRICT

Petitioner, CC Homes at Doral, LLC, a Delaware limited liability company and White Course Lennar, LLC, a Florida limited liability company ("Petitioners"), petition Miami-Dade County, Florida ("County"), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes and the Miami-Dade Home Rule Charter, to adopt an ordinance to establish a Uniform Community Development District (the "District") and to designate the land area for which the District would manage and finance basic service delivery and states as follows:

1. **Petitioners and Authorized Agent:** Petitioner, CC Homes at Doral, LLC, is a Delaware limited liability company, which has principal offices at 135 San Lorenzo Avenue, Suite 740, Coral Gables, Florida 33146; and Petitioner, White Course Lennar, LLC is a Florida limited liability company, which has principal offices at 730 NW 107 Avenue, Third Floor, Miami, Florida 33172. Copies of all correspondence and official notices should also be sent to the authorized agent for Petitioners:

Dennis E. Lyles, Esq.
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
515 E. Las Olas Boulevard, Sixth Floor
Fort Lauderdale, Florida 33301
Phone: 954-764-7150 / Fax: 954-764-7279
Email: dlyles@bclmr.com

2. **District Location and Description:** The land area to be included in the District comprises approximately 130.14 +/- gross acres. A map showing the location of the land area to be included in the District is attached hereto as **Exhibit 1**. All of the land within the proposed

District is located in the City of Doral, Florida. A metes and bounds legal description of the external boundaries of the District is attached hereto as **Exhibit 2**.

3. **District Impact:** There is no property within the external boundaries of the District which will not be part of the District. The impact of creating the District on the parcels adjacent to the District should be positive, in that the facilities provided by the District and maintenance of same should result in an aesthetically pleasing surrounding area with beneficial infrastructure while not detrimentally affecting anyone outside the District. In addition, any potential establishment costs to the City of Doral or Miami-Dade County, the establishing entity, will be nominal.

4. **Property Owners Consent:** Attached hereto as **Composite Exhibit 3** is documentation constituting written consent to the establishment of the District by the owners of the real property to be included in and serviced by the District.

5. **Initial Governing Board:** The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, who shall serve in that office until replaced by elected members, as provided in Section 190.006, Florida Statutes, are named in **Exhibit 4** attached hereto.

6. **District Name:** The proposed name of the District is Downtown Doral South Community Development District.

7. **Water and Sewer Lines:** The major trunk water mains, sewer interceptors and outfalls currently in existence to serve the District are identified on **Exhibit 5** attached hereto.

8. **Timetables and Construction Costs:** The proposed timetables and related estimates of cost to construct the District services and facilities, based upon available data, are attached hereto as **Exhibits 6** and 7, respectively.

Petitioners intend that the District will finance (i) stormwater management system, (ii) water distribution system and wastewater collection system (on-site and off-site), (iii) roadway improvements (on-site and off-site), (iv) recreational facilities; and (v) open spaces and landscaping. The stormwater management system will be owned and maintained by the District. The water distribution and the wastewater collection systems (on-site and off-site) will be owned and maintained by Miami-Dade County. The roadway improvements (on-site) will be owned and maintained by the District and the roadway improvements (off-site) will be owned and maintained by Miami-Dade county and/or the City of Doral. The recreational facilities, open spaces and landscaping will be owned and maintained by the District.

9. **Zoning Designation; Future Land Use:** The land within the District is zoned Downtown Mixed Use (DMU). The zoning approval for project within the District is attached hereto as **Exhibit 8.** The future general distribution, location and extent of the public and private land uses proposed within the District are shown on **Exhibit 9.** These proposed land uses are consistent with the state comprehensive plan and the City of Doral Comprehensive Plan.

10. **Statement of Estimated Regulatory Costs:** The statement of estimated regulatory costs of the granting of this Petition and the establishment of the District pursuant thereto is attached hereto as **Exhibit 10.**

11. **Rights to be Granted the District:** Petitioners hereby request that the District be granted the right to exercise all powers provided for in Sections 190.012(1) and (2)(a) and (d), Florida Statutes.

12. **Declaration of Restrictive Covenants:** Attached hereto as **Composite Exhibit 11** is a copy of Declaration of Restrictive Covenants applicable to the subject property, which has been executed by the owners of the real property in the District.

13. **Resolution of Support from the City of Doral:** A Resolution of the City of Doral City Council supporting the establishment of the District is attached hereto as **Exhibit 12.**

14. **Disclosure Requirements:** Petitioners undertake on behalf of the District that Petitioners and the District will provide full disclosure of information relating to the public financing and maintenance of improvements to real property to be undertaken by the District as required by Section 190.009, Florida Statutes, as amended and as required as a condition of the creation of the District by the Board of County Commissioners of Miami-Dade County.

15. **Responsibility for Landscape Maintenance in the Public-Rights-of-Way:** The maintenance of improved swales and medians in the public rights-of-way excluding swale maintenance by owners of property as defined by Chapter 19 of the Code of Miami-Dade County shall be provided by District, including but not limited to, irrigation, landscape lighting, payment of related utility bills, turf, trees, shrubs and any other landsoaping improvements provided or caused by this development, covenants associated with landscaping permitting in the public rights-of-way notwithstanding. In the event the District is dissolved or becomes defunct and

fails to provide maintenance services within the public rights-of-way as specified herein, the required dormant multipurpose maintenance special taxing district shall be activated to provide any such maintenance services.

16. Reasons for the Establishment of the District: The property within the District is amenable to operating as an independent special district for the following reasons:

a) Establishment of the District and all land uses and services planned within the proposed District are consistent with applicable elements or portions of the effective City of Doral Comprehensive Master Plan.

b) The area of land within the District is part of a unified plan of development. The land encompassing the District is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.

c) The community development services of the District will be compatible with the capacity and use of the existing local and regional community development services and facilities.

d) The District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside of the District.

WHEREFORE, Petitioner respectfully requests Miami-Dade County to:

A. Schedule a public hearing to consider this Petition pursuant to the uniform procedures set forth in Section 190.005(2)(b) and (1)(d), Florida Statutes.

B. Grant the Petition and adopt an ordinance to establish the District and designate the land area to be serviced by the District, pursuant to Sections 190.005(2), Florida Statutes.

Respectfully submitted this 5 day of May, 2016.

CC HOMES AT DORAL, LLC, a Delaware limited liability company

By: _____

Print: Harold Eisenacher

Title: VP

WHITE COURSE LENNAR, LLC, a Florida limited liability company

By: Lennar Homes, LLC, a Florida Limited liability company, its Member

By: _____

Print: _____

Title: _____

WHEREFORE, Petitioner respectfully requests Miami-Dade County to:

A. Schedule a public hearing to consider this Petition pursuant to the uniform procedures set forth in Section 190.005(2)(b) and (1)(d), Florida Statutes.

B. Grant the Petition and adopt an ordinance to establish the District and designate the land area to be serviced by the District, pursuant to Sections 190.005(2), Florida Statutes.

Respectfully submitted this 4 day of May, 2016.

CC HOMES AT DORAL, LLC, a Delaware limited liability company

By: _____

Print: _____

Title: _____

WHITE COURSE LENNAR, LLC, a Florida limited liability company

By: Lennar Homes, LLC, a Florida Limited liability company, its Member

By: _____

Print: Craig McPherson

Title: VP