

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
12-4-18

ORDINANCE NO. 18-144

ORDINANCE GRANTING PETITION OF DOWNTOWN DORAL SOUTH COMMUNITY DEVELOPMENT DISTRICT, GENERALLY BOUNDED ON THE NORTH BY NW 51 TERRACE, ON THE EAST BY THEORETICAL NW 80 AVENUE, ON THE SOUTH BY NW 41 STREET AND THEORETICAL NW 43 TERRACE AND ON THE WEST BY NW 87 AVENUE, TO CONTRACT THE BOUNDARIES OF THE DISTRICT BY 7.15 ACRES, DECREASING THE TOTAL ACREAGE OF THE DISTRICT FROM 123.34 ACRES TO 116.19 ACRES; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Board of County Commissioners (the “Board”) the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, the Florida Legislature created and expanded Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, at its meeting of December 6, 2016 the Board adopted Ordinance No. 16-131 establishing the Downtown Doral South 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 has the authority to contract the boundaries of a community development district within its jurisdiction; and

WHEREAS, the Petitioner has submitted a Petition to contract the District boundaries by 7.15 acres, resulting in a total decrease in acreage of the District from 123.34 acres to 116.19 acres; and

WHEREAS, a public hearing has been conducted by the Board 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 finds that the statements contained in the Petition to contract the District boundaries are true and correct; and

WHEREAS, the contraction 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 within the District as contracted is sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community and the areas of land being removed do not impact such functionality; and

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

WHEREAS, the community development facilities and services of the District as contracted will not be incompatible 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 as contracted is amenable to separate special district government; and

WHEREAS, having made the foregoing findings, after a public hearing, the Board 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 contract the District to exclude the real properties described therein, which was filed by the District on August 21, 2018, 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 to the Ordinance.

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

Section 4. Except to contract the boundaries of the District as provided herein, this Ordinance does not affect, expand or modify Ordinance No. 16-131.

Section 5. 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 6. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall be excluded from the Code of Miami-Dade County.

Section 7. 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 4, 2018

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

MSM

Michael J. Mastrucci