

RESOLUTION No. 2013-3580

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS ENDORSING THE FOUR CITY ANNEXATION AGREEMENT BETWEEN THE CITIES OF MEDLEY, MIAMI SPRINGS, VIRGINIA GARDENS AND DORAL; OPPOSING ANY MODIFICATIONS TO THE AGREEMENT AND OPPOSING ANY MODIFICATIONS OF THE COUNTY CODE THAT WOULD USURP THE AUTHORITY OF THE COUNTY COMMISSION TO APPROVE ANNEXATION OF COMMERCIAL PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under the Miami-Dade Home Rule Charter, the Miami-Dade County Commission has the authority to approve municipal annexations of adjacent properties and has exercised this authority in its discretion as the commission has seen fit; and

WHEREAS, the County code does not require referendums of areas to be annexed when there are fewer than 250 registered voters residing in those areas; and

WHEREAS, the County has never permitted commercial property owners to have a veto power over commission annexation decisions, which are determined based on the commission's view of what serves the overall best interests of Miami-Dade County; and

WHEREAS, any change in that policy would be inconsistent with the manner in which Miami-Dade County has conducted all of its elections and referendums on all issues since Miami-Dade became a County; and

WHEREAS, any change in this policy would also have the disproportionate impact of unfairly discriminating against many cities based on their age, their population and their historical millage rates; and

WHEREAS, the cities of Medley, Miami-Springs, Virginia Gardens and Doral, with the cooperation and consent of Miami-Dade County, spent many years negotiating and finally reaching amicable agreement as to the division of commercial properties in parts of unincorporated Miami-Dade County that share boundaries with these cities; and

WHEREAS, some of these annexation efforts began as far back as 2004; and

WHEREAS; the agreement among the four cities was recognized in county staff reports as far back as 2009 and no city ever disputed the existence of this agreement among the cities; and

WHEREAS; the policies of enforcing agreements between cities and between cities and the County and not altering rules in the middle of proceedings is important to have continuity and permit proper decision making at all levels:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. City Council's Positions and Policies.** The City Council of the City of Miami Springs hereby;

- a. Urges the County to ratify and support the agreement reached between the cities of Medley, Miami Springs, Virginia Gardens and Doral, with no modifications or changes to this long standing agreement that was articulated in all four cities annexations proposals submitted during 2009 and 2010;
- b. Urges the County to oppose any attempt to alter the rules regarding annexations and retroactively apply new rules to existing applications;
- c. Urges the County to not adopt a policy usurping commission authority by providing businesses with veto power over commission decisions on annexation.

**Section 3. Severability.** If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held in to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 13<sup>th</sup> day of May, 2013.

The motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Windrem	“ _____ ”
Councilman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Councilman Petralanda	“ _____ ”
Mayor Garcia	“ _____ ”

\_\_\_\_\_  
Zavier M. Garcia  
Mayor

ATTEST:

\_\_\_\_\_  
Magalí Valls, CMC  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire  
City Attorney