

**ORDINANCE NO. 1090 – 2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, RECONFIRMING ITS INTENTIONS CONSISTENT WITH CITY ORDINANCES NO. 900-2003, 912-2004, AND 977-2009 AND RESOLUTION 2002-3204 AND CONTINUING ITS EFFORTS IN INITIATING AND REQUESTING A BOUNDARY CHANGE TO THE CITY OF MIAMI SPRINGS BY ANNEXATION OF CERTAIN IDENTIFIED AND SPECIFIED CONTIGUOUS AND ADJACENT UNINCORPORATED AREAS OF MIAMI-DADE COUNTY LEGALLY DESCRIBED AS PORTIONS OF SECTIONS 14, 23, AND 26; REQUESTING APPROVAL OF THE ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE MAYOR, CITY MANAGER, CITY CLERK, AND CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT THE SUBJECT BOUNDARY CHANGES TO THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; AUTHORIZING TRANSMITTAL OF THIS ORDINANCE AND ACCOMPANYING DOCUMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Miami Springs (the “City”) previously authorized and approved Ordinances No. 900-2003, 912-2004, and 977-2009 and Resolution No. 2002-3204, all of which notified Miami-Dade County of the City’s interest in the annexation of certain contiguous and adjacent unincorporated areas of the county; and,

**WHEREAS**, at that time the City contracted with The Corradino Group to investigate and prepare a report on the feasibility and appropriateness of the City annexing the subject contiguous and adjacent unincorporated areas of the county identified in Resolution No. 2002-3204; and,

**WHEREAS**, the City previously received, reviewed and discussed the City of Miami Springs Annexation Report received from The Corradino Group; and,

**WHEREAS**, pursuant to state law, municipalities located within the boundaries of Miami-Dade County are required to comply with the annexation procedures and requirements established by Miami-Dade County; and,

**WHEREAS**, Section 5.04 of the Home Rule Charter of Miami-Dade County authorizes and empowers the Board of County Commissioners of Miami-Dade County to effect boundary changes through the annexation process upon the request of a municipality; and,

**WHEREAS**, Section 20-3 of the Miami-Dade County Code of Ordinances specifies the procedures and requirements that must be complied with by a municipality wishing to initiate a boundary change by the annexation process with the county; and,

**WHEREAS**, in 2003, the City Council of the City of Miami Springs determined that it was desirous of changing its municipal boundaries by the addition of certain contiguous and adjacent unincorporated areas of the county through the utilization of the county annexation process by and through the enactment of Ordinance No. 900-2003 on July 14, 2003; and,

**WHEREAS**, following the enactment of Ordinance No. 900-2003, the City determined that certain lands sought for annexation therein and thereby should no longer be annexed by the City; and,

**WHEREAS**, at that time, the City was also desirous of correcting certain inconsistencies and conflicts, and complying with certain requirements noted by Miami-Dade County in its review of the City's application for annexation filed in conjunction with Ordinance No. 900-2003; and,

**WHEREAS**, in an effort to present the County with a more concise and accurate application, the City determined that it was then appropriate to again follow, and comply with, the ordinance and application processes required for the filing of a new annexation application instead of amending the presently pending application; and,

**WHEREAS**, the City attached thereto, as Exhibit "A", the legal description of those unincorporated areas of the county being sought for the proposed boundary change through the annexation process and a map, attached as Exhibit "B", which depicted and more graphically identified the unincorporated areas of the county sought for annexation by the City; and,

**WHEREAS**, City of Miami Springs Charter Section 2.02 requires and mandates that any proposed annexation by the City must be authorized by ordinance; and,

**WHEREAS**, in the process of enactment of ordinance No. 912-2004, the City complied with all city requirements for enactment and the notice and public hearing requirements mandated by Miami-Dade County Code of Ordinance Section 20-3; and,

**WHEREAS**, that in addition to the foregoing, the City previously accomplished all threshold requirements mandated by county ordinance for the initiation of boundary

change/annexation proceedings and was prepared to comply with all the requirements of Code of Ordinance Section 20-3 and all other code requirements and procedures of Miami-Dade County for annexation; and,

**WHEREAS**, the City was prepared to address the fiscal impacts of its proposed annexation with the appropriate county officials and the Board of County Commissioners and believed that the proposed annexation was both proper and appropriate and consistent with the policy of Miami-Dade County to provide balance in the annexation process between those municipalities which are primarily residential and those which are predominantly industrial and commercial; and,

**WHEREAS**, the City Council of the City of Miami Springs determined that it was both proper and appropriate, and in the best interests of the City and its citizens, to secure the requested boundary change through the annexation process with Miami-Dade County by the enactment of City ordinance No. 912-2004; and,

**WHEREAS**, since the enactment of ordinance No. 912-2004, the City participated in County mandated conferences with the Village of Virginia Gardens, Town of Medley and City of Doral in an effort to secure joint approval of the annexation boundary lines for each of the four cities; and,

**WHEREAS**, following many conferences, meetings, discussions, and an “ex parte session” with county officials, the four (4) cities were finally able to agree on the annexation boundary lines to be provided to the County; and,

**WHEREAS**, it was mutually agreed by the four (4) cities and the county, that each city would only be required to file amended annexation applications instead of starting the process from the beginning; and,

**WHEREAS**, the city re-hired The Corradino Group to update its annexation report previously provided to the city and to amend the city’s pending annexation application with the county; and,

**WHEREAS**, the City Council continued to conduct discussion and debate on annexation at its City Council meetings, conducted a Special Meeting for the purpose of presenting the updated annexation report by The Corradino Group, and called a Special City Election for citizens to vote on the pending annexation (copies of the ballot question and diagram of the proposed annexation area are attached hereto for reference); and,

**WHEREAS**, the City Council adopted Resolution No. 2009-3437 on March 16, 2009, which supported the pending annexation by the City and the citizens of Miami Springs authorized and approved the City’s proposed annexation by a margin of 76.09% for and 23.91% against (a copy of the ballot tabulation sheet is attached hereto for reference) at the city’s Special Election of April 7, 2009; and,

**WHEREAS**, the Miami-Dade Commission did not hear the application at the time; and,

**WHEREAS**, the Cities of Miami Springs and Doral, the Village of Virginia Gardens and the Town of Medley have met in order to re-initiate the annexation process for each municipality; and,

**WHEREAS**, the City has hired Calvin Giordano & Associates to update the annexation report and to amend the city's pending annexation application with the county; and,

**WHEREAS**, in light of all the foregoing acts and actions taken by the city in the investigation of annexation, the currently updated city annexation report and amended annexation application, the City Council has determined, that is both proper and appropriate and in the best interests of the City and its citizens, to enact this ordinance to comply with the City Charter and the annexation procedures of Miami-Dade County, and to secure the requested boundary change through the annexation process with Miami-Dade County:

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

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Confirmed Position.** The City Council hereby reconfirms its intentions, consistent with Ordinances No. 900-2003, 912-2004, and 977-2009 and Resolution 2002-3204, to extend and enlarge of the City's boundaries to include portions Sections 14, 23, and 26 in Miami-Dade County, Florida, further described in Exhibit "A",

**Section 3. Authorization.** The City Council of the City of Miami Springs hereby authorizes and approves the boundary change and annexation proposed in this Ordinance and the corresponding amendment of the legal description of the City contained in the Charter of the City of Miami Springs to reflect the addition of the contiguous and adjacent unincorporated areas of Miami-Dade County acquired through the annexation process which are more particularly described in the legal description and map attached hereto as Exhibits "A" and "B" respectively.

**Section 4. Request for Approval.** The City Council of the City of Miami Springs hereby requests the Board of County Commissioners of Miami-Dade County, Florida, to adopt an appropriate ordinance granting the request of the City of Miami Springs for the annexation of the contiguous and adjacent unincorporated areas of Miami-Dade County identified in Exhibits "A" and "B" attached hereto, and by so doing,

authorize the amendment and enlargement of the municipal boundaries of the City of Miami Springs.

**Section 5. Implementation.** The City Manager, City Clerk and City Attorney are hereby authorized and directed to perform any and all actions as may be deemed necessary or desirable to reinstate and continue the boundary change procedure in accordance with Chapter 20 of the Code of Miami-Dade County and submit the annexation proposed herein to the Board of County Commissioners of Miami-Dade County for their consideration and other implement the purpose and provision of this Resolution

**Section 6. Transmittal.** The City Clerk is hereby authorized and directed to transmit three (3) duly certified copies of this Ordinance, including the exhibits attached hereto, together with proof of compliance of the notice requirements set forth in Miami-Dade County Ordinance Section 20-3, accompanied by all other documentation and information required by the aforesaid Code Section to Miami-Dade County.

**Section 7. Conflicts.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent that they conflict with the intent and provisions of this Ordinance. .

**Section 8. Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 12th day of June, 2017, on a motion made by Vice Mayor Best and seconded by Councilman Petralanda.

**PASSED AND ADOPTED ON SECOND READING** this 26th day of June, 2017, on a motion made by Vice Mayor Best and seconded by Councilman Petralanda.

|                             |            |
|-----------------------------|------------|
| Vice Mayor Bob Best         | <u>YES</u> |
| Councilwoman Maria Mitchell | <u>YES</u> |
| Councilwoman Mara Zapata    | <u>YES</u> |
| Councilman Jaime Petralanda | <u>YES</u> |
| Mayor Billy Bain            | <u>YES</u> |

  
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Billy Bain, Mayor

ATTEST:

  
Erika Gonzalez-Santamaria, MMC  
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
Weiss Serota Hellman Cole & Bierman, P.L., City Attorney

First reading: 06/12/17  
Second reading: 06/26/2017

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

## EXHIBIT "A"

### Legal Description

A portion of sections 14, 23 and 26, lying in township 53 south, range 40 east, all lying and being in Miami-Dade County, Florida, as it is more particularly described to wit;

Begin at the northeast corner of section 26, township 53 south, range 40 east; thence southerly along the east line of said section 26 to a point, said point being the intersection of the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 and the east line of said section 26; thence westerly along the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 to the intersection of the southerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2516; thence northerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map sections 87260-2516 and 87260-2517 to the intersection of the north line of section 23, township 53 south, range 40 east and the northerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2517; thence easterly along the south line of said section 23 to a point, said point being the intersection of the southerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2517 and the south line of said section 23, thence continue northerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map sections 87260-2517 and 87260-2518 to a point, said point being the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence easterly along the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515 to a point, said point being the intersection of the centerline of NW 74 Avenue and the easterly extension on the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence northerly along the centerline of NW 74 Avenue to a point of intersection with the westerly extension of the southerly right-of-way line of state road 934

(Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515; thence continue easterly along the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515 to a point, said point being the intersection of the west line of the NE ¼ of section 14, township 53 south, range 40 east and the easterly extension of the southerly right-of-way line of state road 934 (Hialeah Expressway) as shown on Florida Department of Transportation right-of-way map section 87080-2515, thence northerly along the west line of the NE ¼ of said section 14, also being the centerline of state road 969 (NW 72 Avenue) to a point of intersection with the easterly extension of the southerly right-of-way line of NW 74 Street as shown on Florida Department of Transportation right-of-way map section 87080-2515, thence easterly along the southerly right-of-way line of NW 74 Street and NW 74 Street extension, said right-of-way line also being 40.00 feet south of and parallel to the north line of the NE ¼ of section 14, township 53 south, range 40 east, to a point on the west line of the NW ¼ of section 13, township 53 south, range 40 east; thence continue easterly along a line 40.00 feet south of and parallel to the north line of the NW ¼ of said section 13 to a point, said point being on the easterly right-of-way line of Royal Poinciana Boulevard; thence southeasterly along the easterly right-of-way line of Royal Poinciana Boulevard to a point, said point being the intersection of the centerline of the Florida East Coast Railroad and the easterly right-of-way line of Royal Poinciana Boulevard; thence southwesterly along the centerline of the Florida East Coast Railroad, also being the northern city limits of the City of Miami Springs, to a point, said point being on a line 50.00 feet west of and parallel to the west line of section 13, township 53 south, range 40 east and the western city limits of the City of Miami Springs; thence southerly along a line 50.00 feet west of and parallel to west line of sections 13 and 24, township 53 south, range 40 east, to a point, said point being on the south line of the SE ¼ of section 23, township 53 south, range 40 east; thence easterly along the south line of the SE ¼ of said section 23 to the Point of Beginning.

Excluding all properties known as the FEC Tracts; and, more specifically described as Folios 05-3013-001-0430, 30-3014-001-0170, 30-3014-001-0180, 30-3014-001-0190, 30-3023-001-0100, 30-3023-001-0371, 30-3023-001-0372, 30-3023-001-0373, 30-3023-001-0374, 30-3026-000-0067, 30-3026-000-0068 and 30-3026-000-0069.

Containing ~~4,334~~ 1,018 acres more or less.



