



MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Agenda Item No. 4(J)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners
DATE: (Public Hearing 7-27-04) June 22, 2004

FROM: George M. Burgess, County Manager
SUBJECT: Ordinance Creating the Summerville Community Development District

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RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Summerville Community Development District (CDD) in unincorporated Miami-Dade County, 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.

BACKGROUND

Summerville Development, Inc., a Florida Corporation, owner of the Summerville Development, has filed an application to create the Summerville CDD in connection with said development. Summerville CDD is a 47.88 acre residential development lying wholly within unincorporated Miami-Dade County, in the area bounded by theoretical S.W. 114th Court on the east, theoretical S. W. 118th Place and S.W. 117th Avenue on the west, theoretical S.W. 245th Street and S.W. 247th Street on the south and theoretical S.W. 242nd Lane and S.W. 242nd Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure, services and facilities, along with certain ongoing operations and maintenance for the Summerville CDD. The development plans for the lands within the proposed CDD include construction of 111 townhouse and 156 single family units with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$5.846 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by Summerville Development, Inc. In accordance with Florida Statute 190, Summerville Development, Inc., has paid a filing fee of \$15,000 to the County.

A declaration of restrictive covenants will be proffered at public hearing by the owner of the lands within the CDD jurisdiction, providing for notice in the public records of the projected taxes and assessments to be levied by the CDD, and providing for individual prior notice to the initial purchaser of a residential lot or unit within the development. The document shall also include provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

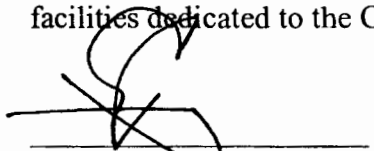
Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners
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This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

This development's roadways and alleyways are all public, all to be maintained by the CDD, Homeowners Association (HOA) or Miami-Dade County. A special taxing district shall be created to maintain this development's infrastructure such as roadways, alleyway, storm drainage, landscape tracts and parks should the HOA or CDD be dissolved or fail to fulfill their maintenance obligations. This special taxing district will remain dormant until such time as Miami-Dade County determines that the HOA or CDD is not performing.

FISCAL IMPACT

The creation of the Summerville CDD will have little or no impact on Miami-Dade County other than normal maintenance of the public roadway, storm drainage and water and sewer facilities dedicated to the County.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 27, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(J)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 4(J)
7-27-04

Veto _____

Override _____

ORDINANCE NO.

04 147

ORDINANCE GRANTING PETITION OF SUMMERVILLE DEVELOPMENT, INC., A FLORIDA CORPORATION ("SUMMERVILLE" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED 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 Miami-Dade County 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, Summerville Development, Inc., a Florida Corporation ("Summerville" or "Petitioner") has petitioned for the establishment of the Summerville Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Miami-Dade County 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

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WHEREAS, the owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential parcels 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 Miami-Dade County 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, the Miami-Dade County 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 Summerville Community Development District over the real property described in Exhibit A attached hereto, which was filed by Summerville Development, Inc., a Florida Corporation, on April 28, 2004, 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 B).

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

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

Eglett N. Urguiaga

Rosario Z. Llina's

Caridad Rodriguez

Ray Castellanos

Isabelle Abreu

Section 5. The name of the District shall be the "Summerville Community Development District."

Section 6. The Summerville Community Development 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 Summerville Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Summerville Community Development 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 Miami-Dade County Board of County Commissioners hereby grants to the Summerville Community Development 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 Summerville Community Development 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 Summerville Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Summerville Community Development 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 Summerville Community Development 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

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approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants as proffered by the owners of the lands within the jurisdiction of the Summerville Community Development District, in connection with the petition submitted by Summerville Development, Inc., a Florida Corporation 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: JUL 27 2004

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:



Gerald T. Heffernan

Exhibit A

LEGAL DESCRIPTION:

PARCEL I

THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 56 SOUTH, RANGE 40 EAST, LESS THE SOUTH 65 FEET THEREOF FOR ROAD, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL II

THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19. TOWNSHIP FIFTY-SIX (56) SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI DADE COUNTY. FLORIDA. LESS THE WEST 35.00 FEET THEREOF.

PARCEL III

THE S 1/2 OF THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4, OR SECTION 19, TOWNSHIP 56 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA LESS THE SOUTH 65.00 FEET AND LESS THE WEST 40.00 FEET THEREOF.

PARCEL IV

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) LESS THE EAST 175 FEET OF THE NORTH 75 FEET AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 56 SOUTH, RANGE 40 EAST AND LYING IN MIAMI-DADE COUNTY, FLORIDA. LESS THE FOLLOWING DESCRIBED PARCEL COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE N01°04'14"E, FOR 1668.57 FEET ALONG THE WEST LINE OF SAID SECTION 19; THENCE S88°53'36"E, FOR 265.80 FEET TO THE POINT OF BEGINNING; THENCE N01°06'24"E, FOR 294.83 FEET; THENCE S88°53'32"E, FOR 224.96 FEET; THENCE S01°09'08"W, FOR 50.00 FEET; THENCE S88°53'32"E, FOR 175.00 FEET; THENCE S01°09'05"W, FOR 244.87 FEET; THENCE N88°53'36"W, FOR 399.72 FEET TO THE POINT OF BEGINNING.

AND LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 56 SOUTH, RANGE 39 EAST; THENCE N01°04'14"E, FOR 65.03 FEET; THENCE S89°03'18"E, FOR 40.00 FEET TO THE POINT OF BEGINNING; THENCE N01°04'14"E, FOR 266.39 FEET; THENCE S89°01'53"E, FOR 790.84 FEET; THENCE S01°11'36"W, FOR 24.56 FEET; S88°53'36"E, FOR 74.58 FEET; N01°06'24"E, FOR 24.52 FEET; S88°53'36"E, FOR 90.04 FEET; S01°11'36"W, FOR 265.56 FEET; THENCE N89°03'18"W, FOR 954.86 FEET TO THE POINT OF BEGINNING.

PARCEL V

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) LESS THE NORTH 902.55 FEET AND THE NORTH QUARTER (N 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) LESS STREET DEDICATION, IN SECTION 24, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, LESS THE WESTERLY PORTION DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND RUN N 00°37'17"W. ALONG THE EAST LINE OF THE SE 1/4 OF SECTION 24, TOWNSHIP 56 SOUTH, RANGE 40 EAST FOR A DISTANCE OF 422.95 FEET TO A POINT; THENCE RUN S. 88°18'35" W. ALONG A LINE BEING 902.55 FEET FROM THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 24, MEASURED AT RIGHT ANGLE FOR A DISTANCE OF 1,009.77 FEET TO THE POINT OF BEGINNING THENCE CONTINUE S.88°18'35" W. FOR A DISTANCE OF 330.26 FEET TO A POINT; THENCE RUN S.00°42'47"E. FOR A DISTANCE OF 757.83 FEET TO A POINT; THENCE RUN N.88°09'37"E. FOR A DISTANCE OF 330.52 FEET TO A POINT; THENCE RUN N.00°43'53"W. FOR A DISTANCE OF 756.98 FEET TO POINT OF BEGINNING, CONTAINING 5.74 ACRES MORE OR LESS.



PETITION FOR ORDINANCE

FOR

**SUMMERVILLE COMMUNITY
DEVELOPMENT DISTRICT**

April 28, 2004

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

561-630-4922 – Tele
877-737-4922 – Toll Free
561-630-4923 – Fax



IN RE: AN ORDINANCE TO ESTABLISH)
 THE SUMMERVILLE)
 COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Petitioner, **Summerville Development, Inc.** ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states: The property is under contract from the Petitioner to Lucky Start at Westland, LLC.

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately **47.88** acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the external boundaries of the proposed District, which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District. Exhibit 3A is the consent of **Lucky Start at Westland, LLC**, who is the contract purchaser of the property.

3. The five persons designated to serve as the initial members of the Board of Supervisors of the proposed District are as follows:

Eglett N. Urguiaga	19606 SW 103 rd Court	Miami, Fl 33157
Rosario Z. Llina's	6470 SW 38 th Street	Miami, Fl. 33155
Caridad Rodriguez	11931 SW 124 th Terrace	Miami, Fl 33186
Ray Castellanos	14009 SW 166 th Street	Miami, Fl 33177
Isabelle Abreu	11300 SW 24 th Terrace	Miami, Fl 33145

4. The proposed name of the District to be established is Summerville Community Development District. ("SCDD").

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site.

6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. These are good faith estimates but are not binding on the Petitioner or the District and are subject to change.



7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are **156 single family dwelling units, 111 Town home Units for a total of 267 units**. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. Exhibit 7 is a map outlining the District boundaries.

10. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes including the special powers provided by section 190.012(1) and sections 190.012(2)(a) and (d), and section 190.012(3).

11. The Petitioner is Summerville Development, Inc. whose address is 14600 SW 136th Street, Miami, Fl 33186.

12. The property within the proposed 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 not inconsistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

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

d. The proposed 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 the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

WHEREFORE, Petitioner respectfully requests the Miami-Dade County Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT and;

a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT.

Respectfully submitted this 28TH day of APRIL, 2004.

SUMMERVILLE DEVELOPMENT, INC.

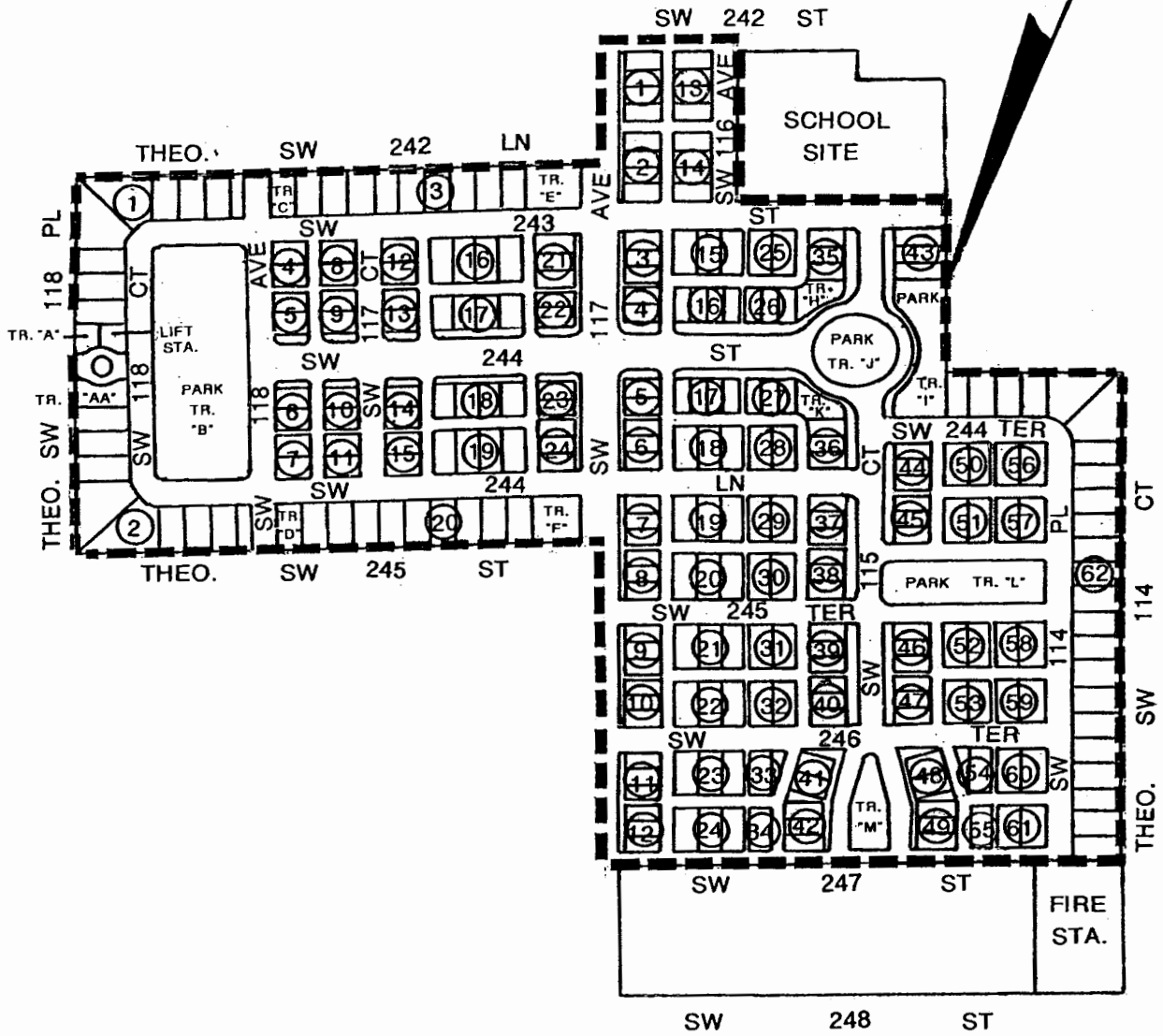

By: RAY CASTELLANOS, VICE PRES.
14600 SW 136TH Street, Miami, FL 33186



EXHIBITS
SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT

- | | |
|------------|---|
| Exhibit 1 | Location Map |
| Exhibit 2 | Legal Description |
| Exhibit 3 | Consent and Joinder - Summerville Development, Inc. |
| Exhibit 3A | Consent and Joinder - Lucky Start at Westland, LLC |
| Exhibit 4A | Estimated Infrastructure Construction Time Table |
| Exhibit 4B | Construction Costs Estimates |
| Exhibit 5 | Public & Private Uses Map |
| Exhibit 6 | Statement of Estimated Regulatory Costs |
| Exhibit 7 | District Boundary Map |

DISTRICT BOUNDARIES



SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT



(COMM. 0008)

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SECTION: 19-56-40 & 24-56-39

EXHIBIT "C"


STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) SS:

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Ordinance No. 04-147, adopted by said board of County Commissioners at its meeting held on July 27, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 10th day of August A.D. 2004.



HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By 
Deputy Clerk

SEAL

Board of County Commissioners
Miami-Dade County, Florida

AUG 13 2004