

Approved _____ Mayor

Agenda Item No. 5(E)

Veto _____

10-23-18

Override _____

ORDINANCE NO. 18-126

ORDINANCE GRANTING PETITION OF EAST HOMESTEAD COMMUNITY DEVELOPMENT DISTRICT, GENERALLY BOUNDED ON THE NORTH BY CANAL C-103, ON THE EAST BY THEORETICAL SW 143 AVENUE, ON THE SOUTH BY NW 328 STREET, AND ON THE WEST BY HOMESTEAD EXTENSION OF FLORIDA TURNPIKE (STATE ROAD NO. 821), TO EXPAND THE BOUNDARIES OF THE DISTRICT BY APPROXIMATELY 77.30 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 October 7, 2003, the Board adopted Ordinance No. 03-209 establishing the East Homestead 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 expand the boundaries of a community development district within its jurisdiction; and

WHEREAS, the Petitioner has submitted a Petition to expand the District boundaries by approximately 77.30 acres, resulting in a total increase in acreage of the District from approximately 357.83 acres to approximately 435.13 acres; 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) 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 expand the District boundaries are true and correct; and

WHEREAS, the expansion 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 expanded is sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community and the areas of land being added do not impact such functionality; and

WHEREAS, the District as expanded 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 added will not impact such delivery; and

WHEREAS, the community development facilities and services of the District as expanded 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 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 expand the District to include the real properties described in the petition attached hereto, which was filed by the District on August 2, 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 expanded 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 expand the boundaries of the District as provided herein, this Ordinance does not affect, expand or modify Ordinance No. 03-209.

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: October 23, 2018

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

MSM

Michael J. Mastrucci


"EXHIBIT A to the Ordinance"

**PETITION TO EXPAND EAST HOMESTEAD
COMMUNITY DEVELOPMENT DISTRICT**

Dated: August 2, 2018

Date: August 2, 2018

To: Christopher Agrippa, Division Chief
Office of the Clerk of the Board
Attn: Shania Momplaisir

From: Michael R. Bauman., Chief 
Special Taxing Districts Division
Parks, Recreation and Open Spaces Department

Subject: East Homestead Community Development District –
Amendment

The attached petition was submitted by the Board of Supervisors of the East Homestead Community Development District (CDD) for the amendment of the CDD and has been finalized, reviewed, and deemed complete by the Miami-Dade County Parks, Recreation and Open Spaces Department pursuant to Florida State Statute Chapter 190 and Miami-Dade County Policy.

The filing date of record is Thursday, August 02, 2018.

Attachment

c: Juliette Antoine
Assistant County Attorney

**BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

**IN RE: PETITION PURSUANT TO
SECTION 190.046(1), FLORIDA STATUTES,
TO EXPAND THE BOUNDARIES OF
EAST HOMESTEAD COMMUNITY
DEVELOPMENTDISTRICT**

**PETITION TO EXPAND BOUNDARIES OF EAST HOMESTEAD
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors (the "Board") of the East Homestead Community Development District, an independent special district established pursuant to Chapter 190, Florida Statutes (the "District"), and Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter by Ordinance No. 03-209 of Miami-Dade County, Florida (the "County"), adopted on October 7, 2003 (the "Ordinance"), hereby submits this petition (the "Petition") to the **BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** (the "Commission") in accordance with Section 190.046(1) of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act"), to expand the boundaries of the District and in support thereof, hereby attests as follows:

1. That approximately 357.83 acres are currently within the external boundaries of the District.
2. That the Board desires to expand the boundaries of the District by adding approximately 77.77 +/- acres of real property as legally described in Exhibit A, attached hereto and made a part hereof. Following such expansion of the District's boundaries, all lands in the

District will continue to be located wholly within the jurisdictional boundaries of the City of Homestead, Miami-Dade County, Florida.

3. That the acreage of the real property to be annexed into the District does not exceed 50% of the acres initially located within the original boundaries of the District, and all petitions of the District, including this Petition, submitted to the Commission subsequent to the initial petition seeking establishment of the District do not encompass more than a total of 1,000 acres.

4. That attached hereto as Exhibit B and made a part hereof is a metes and bounds description of the external boundaries of the District following the proposed expansion of such boundaries. No real property within the external boundaries of the District as proposed is to be excluded therefrom.

5. That attached hereto as Exhibit C is the proposed timetable for installation of District services and facilities which will be provided to the real property being annexed into the District and the estimated cost of installing such proposed services and facilities.

6. That attached hereto as Exhibit D is evidence of the written consent to the annexation of the subject property into the District by the fee title owner of one hundred percent (100%) of such real property (the "Landowner").

7. That attached hereto as Exhibit E is a designation of the future general distribution, location, and extent of public and private uses of land proposed for the area to be annexed into the District by the future land use plan element of the effective local government comprehensive plan.

8. That attached hereto as Exhibit F is a statement of estimated regulatory costs in accordance with the requirements of Section 120.541, Florida Statutes.

9. That attached hereto as Exhibit G is a copy of the proposed Declaration of Restrictive Covenants applicable to the subject property, which has been executed by the Landowner and is being submitted in support of this Petition.

10. That attached hereto as Exhibit H is a copy of the Resolution of the Board of Supervisors of the District authorizing the filing of this Petition.

11. That attached hereto as Exhibit I is a copy of the Resolution of the City Council of the City of Homestead supporting the expansion of the District.

12. That following the proposed expansion of the District's boundaries (i) the property within the District will not be inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan; (ii) the property comprising the District will be of sufficient size, compactness, and contiguity to be developable as one functional interrelated community; (iii) the District will continue to present the best alternative available for delivering the community development facilities and services to the property that will be served by the District; (iv) the community development facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and (v) the property comprising the District will be amenable to separate special-purpose government.

13. That all statements contained within this Petition are true and correct.

WHEREFORE, Petitioner, the Board of Supervisors of the East Homestead Community Development District, hereby respectfully requests the Commission to:

A. Direct its staff to notice, as soon as practicable, a local public non-emergency hearing pursuant to the requirements of Section 190.046(1)(b) of the Act to consider whether to grant this Petition and to amend the Ordinance establishing the District to reflect the new boundaries of the District.

B. Grant this Petition and enact an ordinance pursuant to applicable law amending the Ordinance establishing the District to reflect the new boundaries of the District.

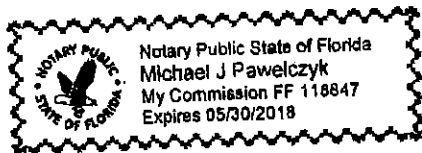
RESPECTFULLY SUBMITTED this 15th day of September, 2017.

EAST HOMESTEAD COMMUNITY DEVELOPMENT DISTRICT

By: Susan Genter
Name: SUSAN GENTER
Title: Chairperson/Vice-Chairperson

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 15th day of September, 2017, by Susan Genter, the Chairperson/Vice-Chairperson of the Board of Supervisors of the East Homestead Community Development District, who is personally known to me [] or produced _____ as identification.



Michael J. Pawelczyk
Notary Public
MICHAEL J. PAWELCZYK
Typed, printed or stamped name of Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF AREA TO BE ADDED TO DISTRICT



PROFESSIONAL SURVEYOR
 STATE OF ARIZONA
 LICENSE NO. 12345
 DATE: AUGUST 2018

RECORD OF REVISION

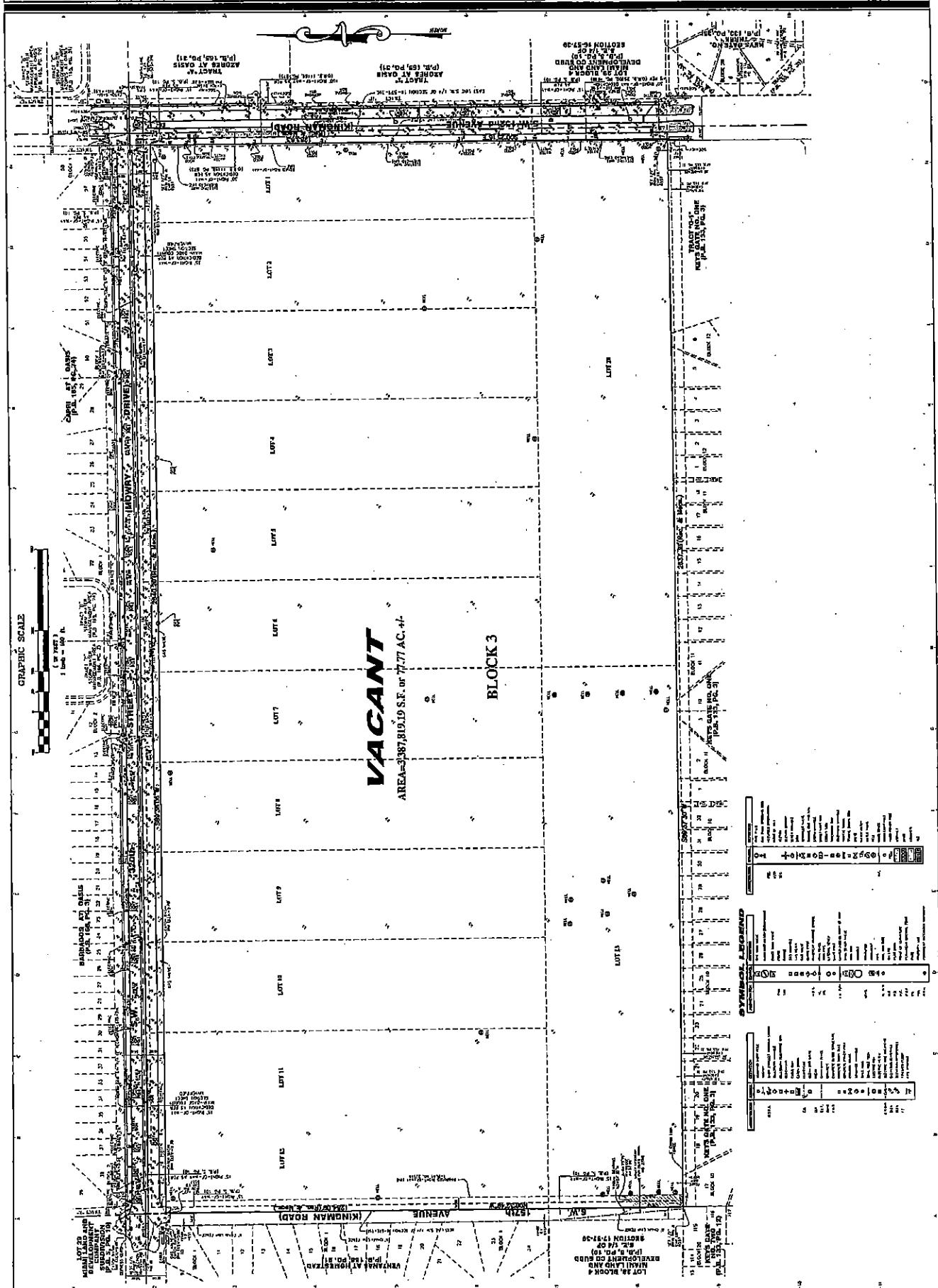
NO.	DATE	DESCRIPTION
1	8-20-18	NEW NEIGHBORING PLATS LOCATION
2	09-17	UPDATE BOUNDARY AND TITLE REVIEW
3	31-17	REVISED LEGAL DESCRIPTION AND PARAGRAPH
4	06-17	REVISED AS PER UPDATE TITLE COMMITMENT

BOUNDARY SURVEY WITH TITLE REVIEW
 SKETCH OF SURVEY AND LEGEND
 LENNAR HOMES, LLC

PROJECT LOCATION
 SECTION 16, TOWNSHIP 12 NORTH, RANGE 27 WEST
 MARICOPA COUNTY, ARIZONA

DATE: AUGUST 2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

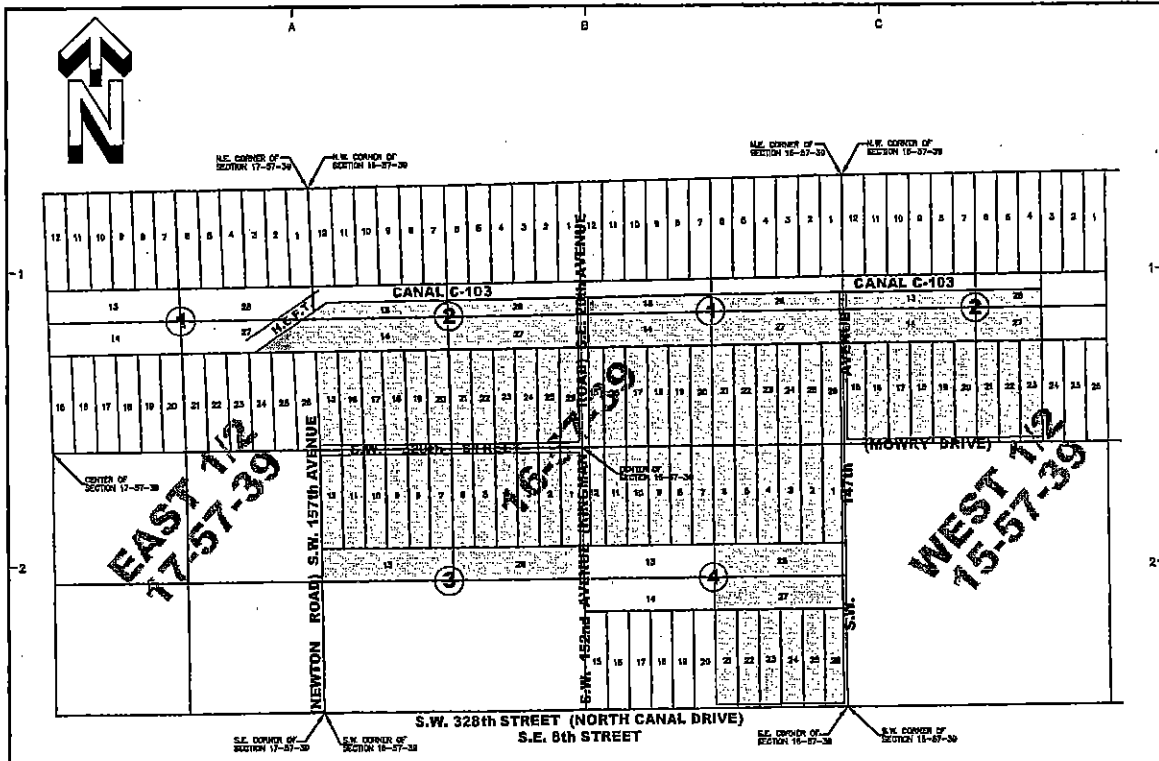
18-053-5400
 2



16

EXHIBIT B

LEGAL DESCRIPTION OF NEW DISTRICT BOUNDARIES



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of Title Policy will need to be made to determine recorded instruments, if any affecting this property.
- 4) -North arrow direction and Bearings shown hereon are based on assumed value of N00°32'49"W along the East Line of S.W. 1/4 of Section 16, as recorded on Township 57 South Range 39 East, of the Public Records of Miami-Dade County, Florida.
- 5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 5J-17.051 (Formerly 61G17-6), Florida Administrative Code, and conforms to the Standards of Practices set forth by the Florida Board of Land Surveyors and Mappers pursuant to Section 472.027, Florida Statutes.

Ford, Armenteros & Fernandez, Inc. L.B. 6557

Date: September 07, 2017
Revision:

Omar Armenteros, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.: 3679

© FORD COMPANIES ENGINEERING & SURVEYING SURVEY, SKETCH & LEGAL 17-063 TREC RICHMAN 17-063-1002 CDD EXPANSION DING

EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP AND SURVEYOR'S NOTES		
PREPARED FOR:	LENNAR HOMES, LLC		
DRAWN BY:	E.R.	DATE:	SEP. 7, 2017
DRAWN CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	16-053-1002
		SHEET:	1
			OF 6 SHEETS

18

LEGAL DESCRIPTION

Lot 13. Less Canal C-103 right of way, and the West 1/2 of Lot 28. Less Canal C-103 right of way, and the West 1/2 of Lot 27. and Lots 14 through 23 inclusive all in Block 2, in Section 15, Township 57 South, Range 39 East, of MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in plat Book 5 at Page 10 of the Public records of Miami-Dade County, Florida, Subject to right of way dedications of record,

AND

Lots 13 and 28. Less Canal C-103 right of way, in Block 1 in Section 16, Township 57 South, Range 39 East, of MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, and Lots 14 through 27 inclusive in said Block 1, Subject to right of way dedications of record,

AND

Lot 13. Less Canal C-103 right of way and State Road No. 821 (Homestead Extension to Florida's Turnpike) right of way, and Lot 28, Less Canal C-103 right of way, and Lots 14 through 27 inclusive all in said Block 2, in Section 16, Township 57 South, Range 39 East, of said MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, Subject to right of way dedications of record,

AND

Lots 1 through 12 inclusive and Lots 21 through 28 inclusive all in Block 4, in Section 16, Township 57 South, Range 39 East, of said MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, Subject to right of way dedications of record,

AND

That portion of land lying Southeasterly of the Southeasterly right of way line of State Road No. 821 and lying North of the North line of Tracts 24 through 26 inclusive, in Block 1, in Section 17, Township 57 South, Range 39 East, of MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, as recorded in plat Book 5, at Page 10 of the Public records of Miami-Dade County, Florida and lying West of the West Section line of Section 16 Township 57 South, Range 39 East, Miami-Dade County, Florida.

TOGETHER WITH: (TRED KINGMAN)

Lots 1 and 2, Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, Section 16, Township 57 South, Range 39 East, as recorded in Plat Book 5, at Page 10 of the Public Records of Miami-Dade County, Florida, less the North 35.00 feet and the East 30.00 feet thereof.

© FORD COMPANIES ENGINEERING & SURVEYING SURVEY & LEGAL DESCRIPTION TRED KINGMAN 17-053-1002 CDD EXPANSION CDD

EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT:		SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:		LEGAL DESCRIPTION TO ACCOMPANY SKETCH	
PREPARED FOR:		LENNAR HOMES, LLC	
DRAWN BY:	E.R.	DATE:	SEP. 7, 2017
CHK. CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	16-053-1002
			2 OF 6 SHEETS

19

AND:

Lot 13 Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, Section 16, Township 57 South, Range 39 East, according to the Plat thereof, as recorded in Plat Book 5, at Page 10 of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

That portion of the right-of-way of S.W. 157th Avenue dedicated by the record plat of Block 3, of Section 16, Township 57 South, Range 39 East, MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, as recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, bounded on the North by the Westerly prolongation of the North line of said Lot 13, bounded on the East by the East line of said Lot 13 (DEED) bounded on the East by the West line of said lot 13, bounded on the South by the Westerly prolongation of the South line of said Lot 13 and bounded on the West by the West line of said Section 16.

AND:

Lots 3 through 10, less the North 35.00 feet, and Lot 28, less the East 30.00 feet, of Block 3, of Section 16, Township 57 South, Range 39 East, MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, as recorded in Plat Book 5, at Page 10, of the Public Records of Miami-Dade County, Florida.

AND:

Lots 11 and 12, less the North 35.00 feet thereof, of Block 3, Section 16, Township 57 South, Range 39 East, MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, as recorded in Plat Book 5, at Page 10, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

That portion of the right-of-way of S.W. 157th Avenue dedicated by the record plat of Block 3, Section 16, Township 57 South, Range 39 East, MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION, as recorded in Plat Book 5, at Page 10, of the Public Records of Miami-Dade County, Florida, bounded on the North by a line 50.00 feet South of and parallel with, as measured at right angles to, the North line of the Southwest 1/4 of said Section 16, bounded on the East by the West line of said Lot 12, bounded on the South by the Westerly prolongation of the South line of said Lot 12, and bounded on the West by the West line of said Section 16.

G:\FORD COMPANIES\ENGINEERING & SURVEYING\SURVEY\SKETCH & LEGAL\17-053 TRED RICHWAY\17-053-1002 CDD EXPANSION.DWG

EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:		SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:		LEGAL DESCRIPTION TO ACCOMPANY SKETCH	
PREPARED FOR:		LENNAR HOMES, LLC	
DRAWN BY:	E.R.	DATE:	SEP. 7, 2017
DWG. CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	16-053-1002
			3 OF 6 SHEETS

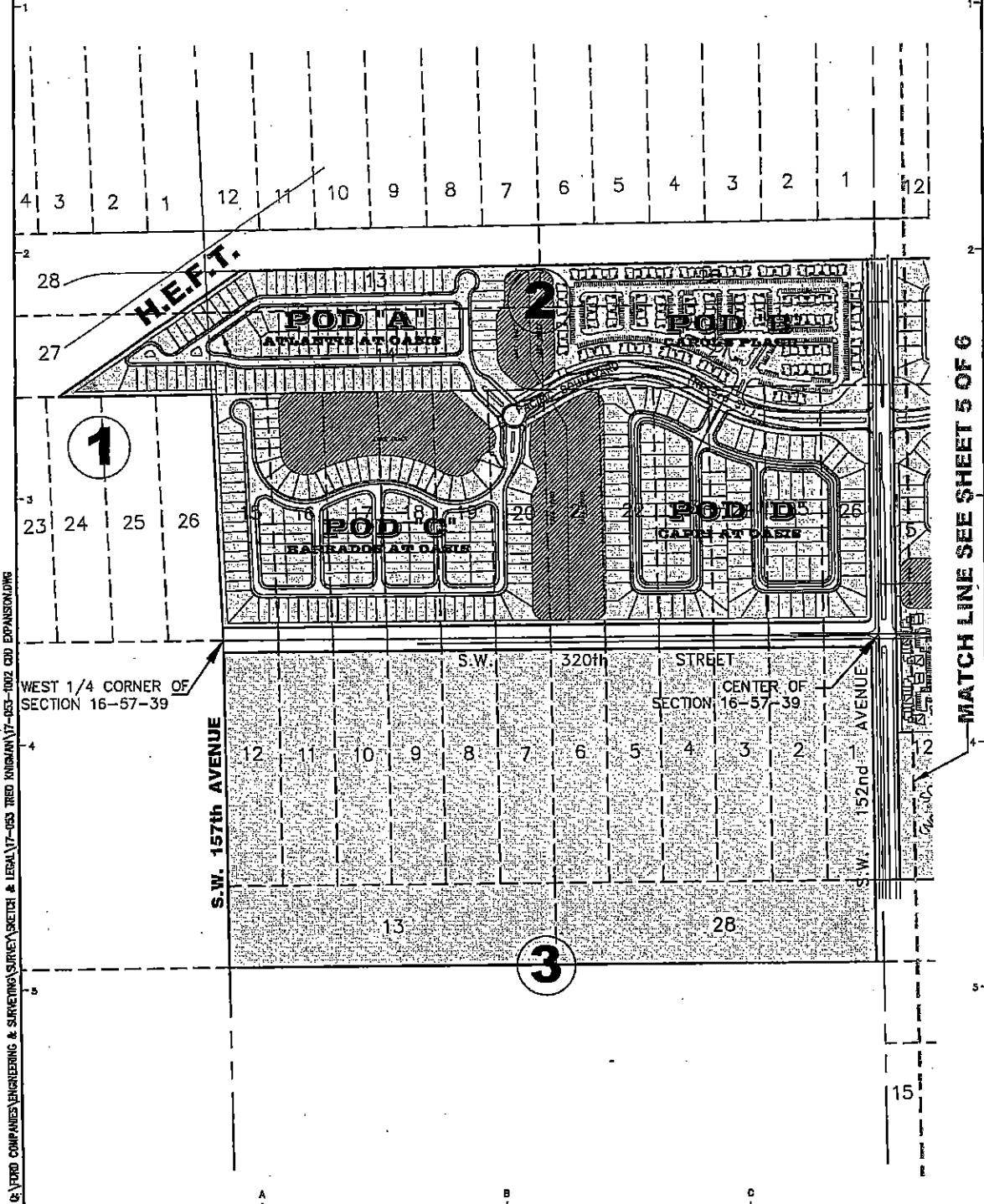
20



GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft.



G:\FORD COMPANIES\ENGINEERING & SURVEYING\SURVEY\SECTION 16-57-39\TIED KNIGHT\17-053-1003-CDD EXPANSION.DWG

EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PREPARED FOR:	LENNAR HOMES, LLC		
DRAWN BY:	E.R.	DATE:	SEP. 7, 2017
DWG. CHECKED BY:		SCALE:	1" = 500'
CHECKED BY:		PROJECT No:	16-053-1002

4

OF 6 SHEETS

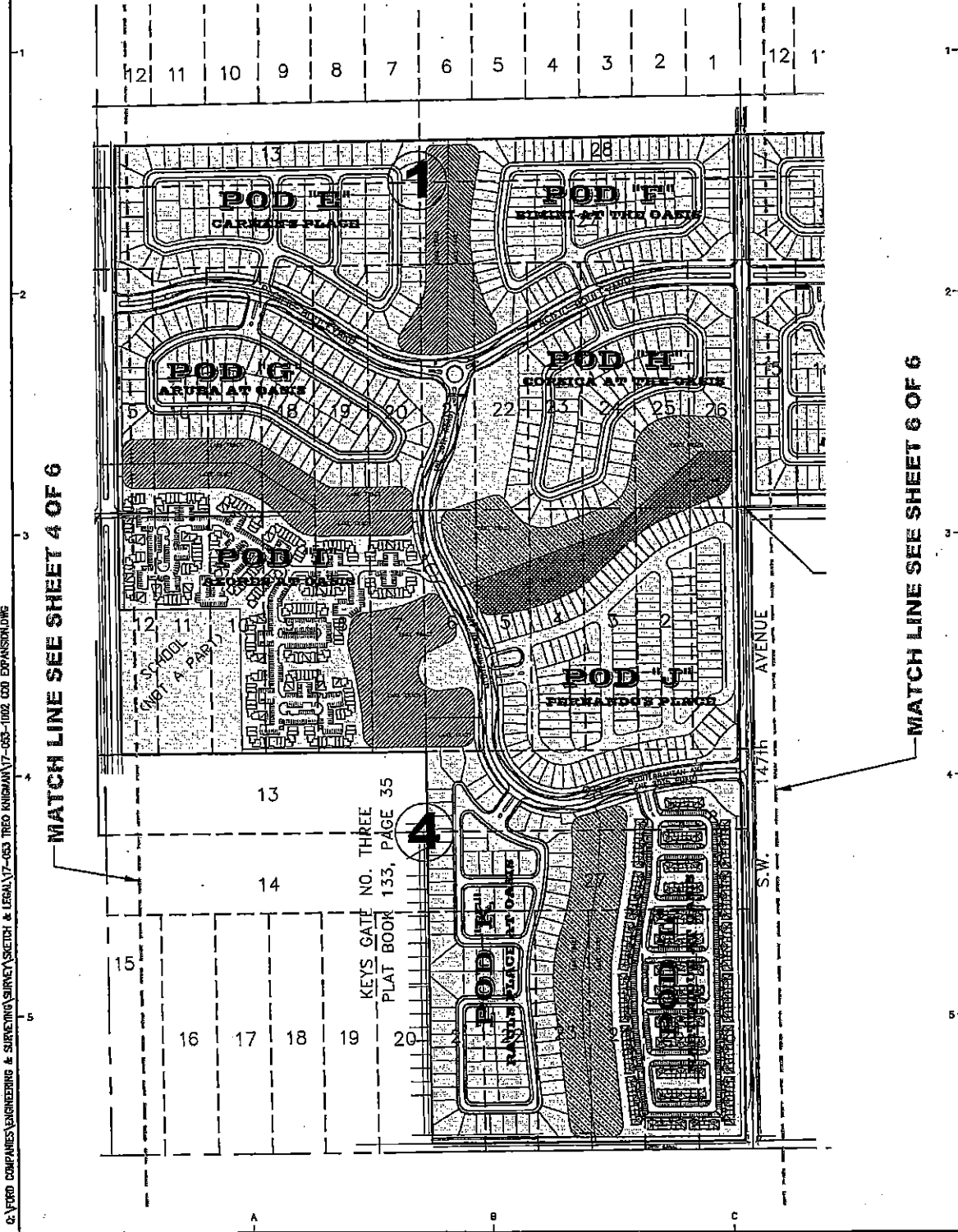
21



GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft.



G. V. FORD COMPANIES ENGINEERING & SURVEYING SURVEY SKETCH & LEGAL 17-053 TREC HIGHWAY 17-053-1002 CDD EXPANSION.DWG

MATCH LINE SEE SHEET 4 OF 6

MATCH LINE SEE SHEET 6 OF 6

EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
PREPARED FOR:	LENNAR HOMES, LLC	
DRAWN BY:	E.R.	DATE: SEP. 05th, 2017
DWG. CHECKED BY:		SCALE: 1" = 500'
CHECKED BY:		PROJECT No: 16-053-1002
		SHEET: 5
		OF 6 SHEETS

re

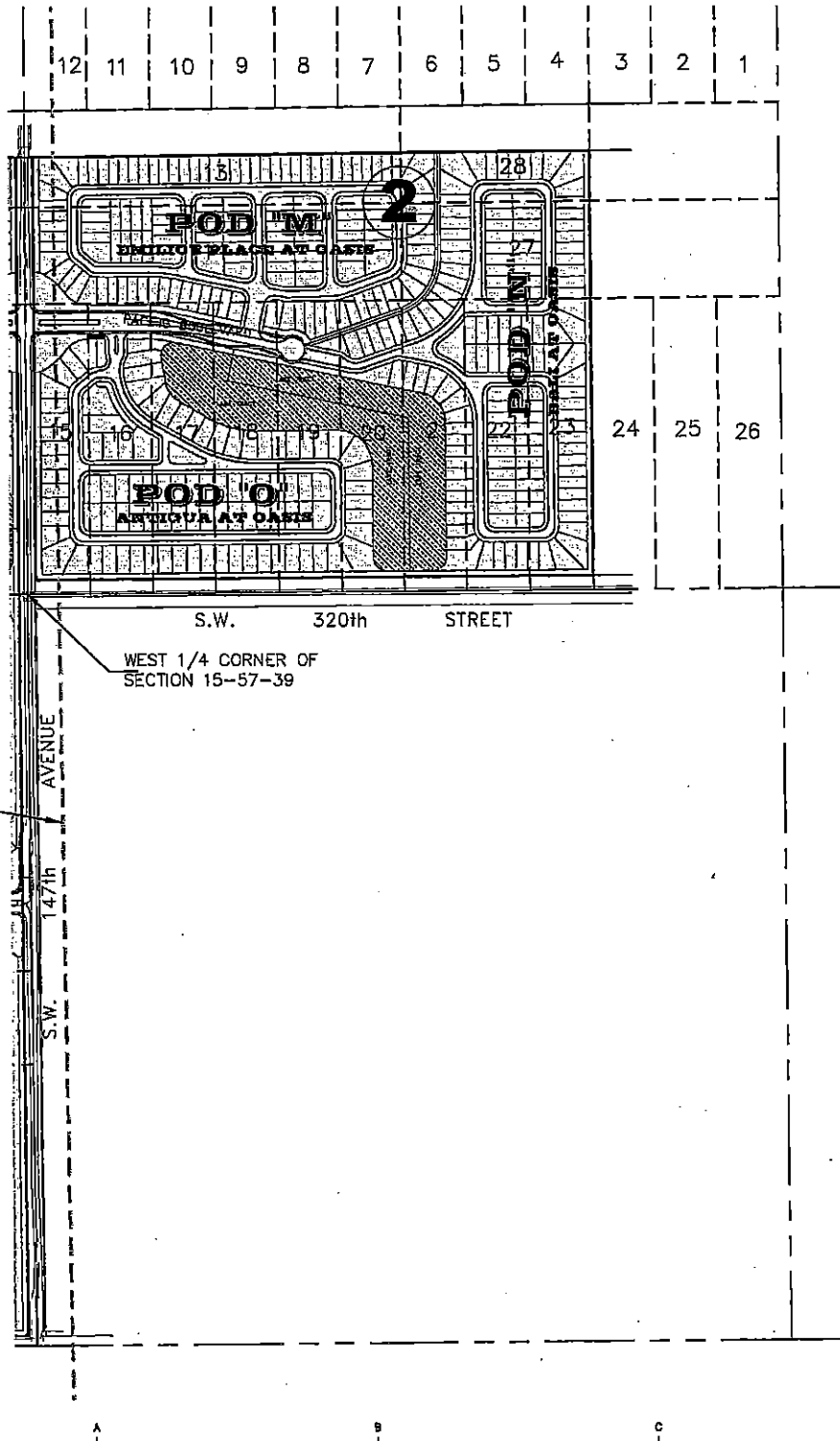


GRAPHIC SCALE



(IN FEET)
1 inch = 600 ft.

MATCH LINE SEE SHEET 5 OF 6



EAST HOMESTEAD CDD EXPANSION



FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME	SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
PREPARED FOR	LENNAR HOMES, LLC	
DRAWN BY: E.R.	DATE: SEP. 05th, 2017	SHEET:
DWG. CHECKED BY:	SCALE: 1" = 600'	6
CHECKED BY:	PROJECT No: 16-053-1002	OF 6 SHEETS