

item 13V  
4/8/03

## Miami-Dade Legislative Item File Number: 030738

**File Number:** 030738      **File Type:** Ordinance      **Status:** To Be Introduced  
**Version:** 0      **Reference:** 77      **Control:** County Commission  
**File Name:** BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT      **Introduced:** 3/17/2003  
**Requester:** Public Works Department      **Cost:**      **Final Action:**

**Agenda Date:** 4/8/2003 **Agenda Item Number:** 13V

**Notes:** TLL- 3/26/03      **Title:** ORDINANCE GRANTING PETITION OF AMB CODINA BEACON LAKES L.L.C., ("CODINA" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**Indexes:** COMMUNITY DEVELOPMENT DISTRICT      **Sponsors:** NONE

**Sunset Provision:** No      **Effective Date:**      **Expiration Date:**

**Registered Lobbyist:** None Listed

### Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	4/8/2003	13V	Carried over		4/10/2003		

### Legislative Text

#### TITLE

ORDINANCE GRANTING PETITION OF AMB CODINA BEACON LAKES L.L.C., ("CODINA" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF

**SUPERVISORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE**

**BODY**

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, AMB Codina Beacon Lakes L.L.C., ("Codina" or "Petitioner") has petitioned for the establishment of the Beacon Lakes 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

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 Beacon Lakes Community Development District over the real property described in Exhibit A attached hereto, which was filed by AMB Codina Beacon Lakes L.L.C., on January 17, 2003 and which Petition as supplemented is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached in its entirety 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:

Trish Blasi  
John Geisen  
Maria Hernandez  
Gary Rito  
Forrest Robinson

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

Section 6. The Beacon Lakes 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 Beacon Lakes 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 Beacon Lakes 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 Beacon Lakes Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(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.

Section 10. All bonds issued by the Beacon Lakes 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 Beacon Lakes 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 Beacon Lakes 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 Beacon Lakes 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 approval of the Board of County Commissioners of Miami-Dade County.

Section 14. 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 15. 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. It is provided, however, that this ordinance shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 hereof, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developer/s, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such application/s;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Beacon Lakes Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing these provisions shall contain examples of such agencies and programs. The Beacon Lakes Community Development District will attempt to access the

range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Beacon Lakes Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Beacon Lakes Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Beacon Lakes Community Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Beacon Lakes Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Beacon Lakes Community Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(h) The Beacon Lakes Community Development District agrees to apply for the creation of a multipurpose special taxing district to maintain the development's infrastructure such as roadways, storm drainage, water, sewer and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. Any and all plats of property within the CDD shall contain a conveyance clause to Miami-Dade County to be exercised at its discretion should the CDD be dissolved or fail to perform.

Section 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 17. This ordinance does not contain a sunset provision.

#### **HEADER**

TO: Honorable Chairperson and Members  
DATE:  
Board of County Commissioners

FROM: Steve Shiver SUBJECT: Ordinance Creating the  
County Manager Beacon Lakes Community  
Development District

### **STAFF RECOMMENDATION**

It is recommended that the Board adopt the attached ordinance creating the Beacon Lakes 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.

### **MANAGER'S BACKGROUND**

AMB Codina Beacon Lakes, L.L.C., owner of the Beacon Lakes Development, has filed an application as supplement to create the Beacon Lakes CDD in connection with said development. Beacon Lakes is a 436.00-acre commercial/industrial development lying wholly within Unincorporated Miami-Dade County, in the area bounded by NW 25th Street on the north, NW 12th Street on the south, NW 118 Avenue on the east and NW 137 Avenue on the west. The CDD is designed to provide a financing mechanism for commercial/industrial infrastructure, services and facilities, along with certain ongoing operations and maintenance for the Beacon Lakes Development. The development plans for the lands within the proposed CDD to be developed to provide warehouse, commercial and office space with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$51.5 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 as supplement submitted by AMB Codina Beacon Lakes, L.L.C. In accordance with Florida Statute 190, AMB Codina Beacon Lakes, L.L.C., has paid a filing fee of \$15,000 to the County.

The east and west portions of this development are separated by a 100-foot spur line owned by Florida Rock Properties Inc. While Florida Rock Properties Inc., has not joined in the petition, AMB Codina Beacon Lakes L.L.C., has provided the County the attached legal opinion (Exhibit D) to support the petitioner's position that this development is sufficiently contiguous to be developed as one integrated development and County staff concurs.

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.

The roads within this development are all public and are to be maintained by Miami-Dade County. The drives and parking areas of the development that provide ingress/egress to the warehouse/commercial/offices sites are private and will be maintained by owners associations. A special taxing district may be created to maintain the development's landscape within public roadways should the CDD be dissolved or fail to fulfill these maintenance obligations. This district will remain dormant until such time as Miami-Dade County determines that the CDD is not performing.

### **OTHER**

#### **FISCAL IMPACT**

The creation of the Beacon Lakes Community Development District will have no fiscal impact on Miami-Dade County.

[2003 BCC Meeting Calendar](#) | [Miami-Dade County Code of Ordinances](#) 

[Home](#) | [Using Our Site](#) | [About](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

---

E-mail your comments, questions and suggestions to [Webmaster](#)

Web Site © 2003 Miami-Dade County.  
All rights reserved.