

## MEMORANDUM

Agenda Item No. 5(A)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** (Public Hearing 6-4-13)  
May 21, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance granting petition of  
Majorca Isles Community  
Development District to amend  
the boundaries of the district  
established by Ordinance No.  
07-13  
Ordinance No. 13-46

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
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R. A. Cuevas, Jr.  
County Attorney


RAC/jls

# Memorandum



**Date:** June 4, 2013


**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Granting Petition of Majorca Isles Community Development District to Amend the Boundaries of the District Established By Ordinance No. 07-13

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The proposed ordinance grants petition to amend the boundaries of the Majorca Isles Community Development District. Implementation of this ordinance will not have a fiscal impact to the County.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

Fis6213

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**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 5(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(A)  
6-4-13

ORDINANCE NO. 13-46

ORDINANCE GRANTING PETITION OF MAJORCA ISLES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO AMEND THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 07-13; 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**, at its meeting of July 27, 2005, the City of Miami Gardens ("City") adopted Resolution No. 2005-111-288 approving the creation of the Majorca Isles Community Development District; and

**WHEREAS**, at its meeting of February 6, 2007, the Board of County Commissioners of Miami-Dade County adopted Ordinance No. 07-13, establishing the Majorca Isles 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 of County Commissioners has the authority to expand the boundaries of a community development district within its jurisdiction; and

**WHEREAS**, at its meeting of October 5, 2011, the City of Miami Gardens adopted Resolution No. 2011-168-1561-Z-112 expressing its support of the petition to expand the boundaries of the Majorca Isles Community Development Districts; 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 Sections 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 of County Commissioners finds that the statements contained in the Updated Petition to Amend the Boundaries of the Majorca Isles Community Development District are true and correct; and

**WHEREAS**, the expansion of the District boundaries is not inconsistent with any applicable element or portion of the State or City's comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

**WHEREAS**, the area of land to be included in the expansion of the District boundaries is sufficiently compact and sufficiently contiguous to the existing District boundaries as be developable as one functional interrelated community; and

**WHEREAS**, the District is the best alternative available for delivering community development facilities and services to the area that will be served by the District; and

**WHEREAS**, the proposed facilities and services to be provided by the District within the expanded area will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

**WHEREAS**, the area that will be served by the amended District, as the boundaries of the District are expanded, is amenable to separate special-district government; and

**WHEREAS**, the owner of the property that is to be added to the District and developed and served by the community development services and facilities provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential lots or units within the expansion area 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**, the City of Miami Gardens has consented to the expansion of the District boundaries within the municipal limits subject to certain conditions that the petitioner shall have to satisfy; and

**WHEREAS**, based on the written consent of the City of Miami Gardens and 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,

**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 Updated Petition to Amend the Boundaries of the Majorca Isles Community Development District to include the real property described in the petition attached hereto, which was filed by the District on November 17, 2011, 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 amended are sufficiently contiguous, and shall be depicted on the location map and legal description attached hereto and incorporated herein as Exhibit B to the Ordinance.

**Section 4.** The external boundaries of the District as amended shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C to the Ordinance.

**Section 5.** The current members of the Board of Supervisors are as follows:

K. Karl Albertson

Vernita Nelson

Joyce Villar

Rafael Roca

Mike Gambino

**Section 6.** The name of the amended District shall remain “Majorca Isles Community Development District.”

**Section 7.** Notwithstanding any power granted to the Majorca Isles Community Development District pursuant to this Ordinance or Ordinance No. 07-13, 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 8.** Except to expand the boundaries of the District as provided herein, this Ordinance does not affect, amend or modify Ordinance No. 07-13.

**Section 9.** 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 10.** 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 11.** 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: June 4, 2013

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:

Gerald T. Heffernan

Prime Sponsor: Commissioner Barbara J. Jordan

**OPINION OF TITLE**

TO: MIAMI-DADE COUNTY, a political subdivision of the State of Florida

With the understanding that this opinion of title is furnished to MIAMI-DADE COUNTY, FLORIDA, as an inducement for execution of an agreement covering the real property hereinafter described, it is hereby certified that I have examined the complete Owner's Title Insurance Policy Number FA-35-0994560 issued by First American Title Insurance Company and title updates: covering the period from the BEGINNING to March 18, A.D. 2013, at 6:24 P.M. inclusive, of the following described real property:

SEE EXHIBIT "A"

Basing my opinion on said complete title policy and title updates covering said period I am of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in: D. R. Horton, Inc., a Delaware corporation.

Subject to the following liens, encumbrances, and other exceptions:

**GENERAL EXCEPTIONS**

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmens' liens.
5. Zoning and other restrictions imposed by governmental authority.

**SPECIAL EXCEPTIONS**

See Exhibit "B" attached hereto and made a part hereof.

None of the exceptions listed above will restrict the use of the property for the purposes set forth in the water and sewer agreement, assignment, warranty deed, easement, covenant and unity of title, as applicable.



I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice law in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted, this 4<sup>th</sup> day of April, 2013



Juan E. Rodriguez, Esquire  
Florida Bar No. 0616461  
80 S.W. 8<sup>th</sup> Street, Suite 2550  
Miami, Florida 33130  
(305) 379-1681

EXHIBIT "A"

A PORTION OF THE EAST HALF OF T. 51S. R. 41E. FLA., SURVEYED BY JOHN W. NEWMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 118, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE S 88° 45' 47" W ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 35 FOR 2650.11 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE S 86° 56' 56" W ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 35 FOR 1726.26 FEET; THENCE S 01° 14' 13" E FOR 45.35 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF N.W. 215TH STREET (COUNTY LINE ROAD ALSO KNOWN AS STATE ROAD NO. 852 PER STATE OF FLORIDA RIGHT OF WAY MAP SECTION NO. 87018-2501) BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND, THE FOLLOWING THREE (3) COURSES ARE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF N.W. 215TH STREET (COUNTY LINE ROAD ALSO KNOWN AS STATE ROAD NO. 852 PER STATE OF FLORIDA RIGHT OF WAY MAP SECTION NO. 87018-2501); (1) THENCE N 88° 45' 47" E FOR 160.75 FEET; (2) THENCE N 83° 03' 09" E FOR 502.49 FEET; (3) THENCE N 88° 45' 47" E FOR 112.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 35.00 FOOT RADIUS CURVE, LEADING TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90° 00' 00" FOR AN ARC DISTANCE OF 54.98 FEET TO A POINT OF TANGENCY WITH THE WESTERLY RIGHT OF WAY LINE OF N.W. 13TH COURT, LAKES OF TUSCANY, OF THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THE FOLLOWING TWO (2) COURSES ARE ALONG SAID WESTERLY RIGHT OF WAY LINE OF N.W. 13TH COURT; (1) THENCE S 01° 14' 13" E FOR 56.21 FEET TO A POINT OF CURVATURE; (2) THENCE SOUTHEASTERLY ALONG AN 800.00 FOOT RADIUS CURVE, LEADING TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11° 01' 28" FOR AN ARC DISTANCE OF 153.93 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG A 35.00 FOOT RADIUS CURVE, LEADING TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90° 22' 02" FOR AN ARC DISTANCE OF 55.20 FEET TO A POINT OF COMPOUND CURVATURE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF N.W. 214TH STREET, LAKES OF TUSCANY, OF THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THE FOLLOWING THREE COURSES ARE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF N.W. 214TH STREET; (1) THENCE SOUTHWESTERLY ALONG AN 1125.92 FOOT RADIUS CURVE, LEADING TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09° 42' 48" FOR AN ARC DISTANCE OF 190.88 FEET TO A POINT OF TANGENCY; (2) THENCE S 87° 49' 10" W FOR 130.24 FEET TO A POINT OF CURVATURE; (3) THENCE SOUTHWESTERLY ALONG A 520.00 FOOT RADIUS CURVE, LEADING TO THE LEFT, THROUGH A CENTRAL ANGLE OF 44° 24' 17" FOR AN ARC DISTANCE OF 403.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE OF N.W. 214TH STREET, S 89° 34' 25" W FOR 396.30 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE "COUNTY LINE ROAD TURNPIKE ENTRANCE" AS SHOWN ON SAID STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 87018-2501, BEING A POINT OF CUSP WITH A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND WHOSE RADIUS POINT BEARS N 00° 25' 35" W, THE FOLLOWING TWO (2) COURSES ARE ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID "COUNTY LINE ROAD TURNPIKE ENTRANCE"; (1) THENCE NORTHEASTERLY AND NORTHERLY ALONG A 278.00 FOOT RADIUS CURVE, LEADING TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90° 48' 38" FOR AN ARC DISTANCE OF 440.61 FEET TO A POINT OF TANGENCY; (2) THENCE N 01° 14' 13" W FOR 127.59 FEET TO THE POINT OF BEGINNING.

N/K/A TRACT "A" WALDEN COMMERCIAL ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 163, PAGE 88 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT "B"**

1. Drainage reservation contained in Deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 46, Page 240; as affected by conveyance to the Board of Commissioners of Everglades Drainage District recorded in Deed Book 3185, Page 221; and by conveyance to Central and Southern Florida Flood Control District recorded in Deed Book 3502, Page 552, as affected by Release of Canal Reservation recorded in Official Records Book 23975, Page 2709.
2. Oil, gas and mineral reservations contained in Deed from the Trustees of the Internal Improvement Fund recorded in Deed Book 3686, Page 138. Note: The right of entry and exploration has been released pursuant to § 270.11, F. S.
3. Terms and conditions of the Agreement for Water Distribution Facilities and Service between Miami-Dade Water and Sewer Authority and Turf Communities, Inc., recorded in Book 8702, Page 1155; as amended by Addendum Number One recorded in Book 12811, Page 3117.
4. Unity of Title recorded in Book 10685, Page 1043.
5. Terms and conditions of the Agreement among Home Federal Savings and Loan Association; Florida Communities, a Florida joint venture, consisting of Sentinel Homes, Inc., and Zaremba Florida Co.; and the Board of County Commissioners of Metropolitan Dade County, recorded in Book 10685, Page 1047; as modified by Modification to Agreement recorded in Book 11212, Page 1631; Second Modification to Agreement recorded in Book 14980, Page 3154; and Third Modification to Agreement recorded in Book 18218, Page 3322.
6. Declaration of Restrictions recorded in Book 18862, Page 1863.
7. Terms and conditions of the Agreement for Water and Sanitary Sewage Facilities between Miami-Dade County and County Line Properties, Inc., recorded in Book 19062, Page 806; as amended by Addendum Number One recorded in Book 20309, Page 2368.
8. Ordinance No. 02-179 by the Board of County Commissioners of Miami-Dade County. Creating and establishing the Lakes of Tuscany Phase One Street Lighting Special Taxing District, recorded in Book 20782, Page 2249; together with Resolution No. R-1097-02 recorded in Book 20782, Page 2860.
9. Easement granted to Florida Power & Light Company by instrument recorded in Book 21467, Page 910.

10. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of WALDEN COMMERCIAL, as recorded in Plat Book 163, Page(s) 88, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
11. Declaration of Master Association Covenants, Easements and Restrictions for Majorca Isles recorded in Official Records Book 24378, Page 2858, as amended by Amendment Declaration of Master Association Covenants, Easements and Restrictions recorded in Official Records Book 24471, Page 1824.
12. Agreement for Water and Sanitary Sewage Facilities Between Miami-Dade County and D. R. Horton, Inc. recorded in Officials Records Book 24718, Page 610.
13. Agreement for Water and Sanitary Sewage Facilities Between Miami-Dade County and D. R. Horton, Inc. recorded in Officials Records Book 28328, Page 1171.
14. Notice of Commencement recorded in Official Records Book 28526, Page 115.

All in the Public Records of Miami-Dade County, Florida.

H: Continen-DRHorton 047025 Documents EXHIBIT B (04-04-13).doc