



MEMORANDUM

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

Agenda Item No. 4(P)

(Public Hearing 1-20-04)

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

DATE: December 16, 2003

FROM: George M. Burgess,
County Manager

SUBJECT: Ordinance Creating the Lakes
By The Bay South Community
Development District

04 16

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Lakes By The Bay South 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

Lennar Homes Inc. a Florida Corporation, owner of the Lakes By The Bay South Development, has filed an application to create the Lakes By The Bay South CDD in connection with said development. Lakes By The Bay South is a 516.54-acre residential development lying wholly within unincorporated Miami-Dade County, in the area bounded by S.W. 87 Avenue on the east, SW 97 and theoretical S.W. 99 Avenues on the west, theoretical S.W. 229 and 232 Streets on the south and S.W. 216 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 Lakes By The Bay South development. The development plans for the lands within the proposed CDD include construction of 3369 residential units consisting of a combination of single-family, townhouse/villas and multi-family/condominium units with associated earthwork, wetland mitigation, roadway, storm drainage and water and sewer facilities estimated to cost approximately \$53.035 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 Lennar Homes Inc. In accordance with Florida Statute 190, Lennar Homes 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 and Members
Board of County Commissioners
Page 2

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 includes a mixture of public and private streets, the latter to be maintained by the CDD. A special taxing district shall be created to maintain this development's infrastructure such as roadways, storm drainage, water, sewer and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. This district will remain dormant until such time as Miami-Dade County determines that the CDD is not performing.

FISCAL IMPACT

The creation of the Lakes By The Bay South Community Development District will have no fiscal impact on Miami-Dade County other than normal maintenance of public roads, drainage, and water and sewer facilities dedicated to the County.



Assistant County Manager
RENZO G. HERNANDEZ



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(P)

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
Veto _____
Override _____

Agenda Item No. 4(P)
1-20-04

ORDINANCE NO. 04 16

ORDINANCE GRANTING PETITION OF LENNAR HOMES INC. A FLORIDA CORPORATION ("LENNAR" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING LAKES BY THE BAY SOUTH COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; 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, Lennar Homes Inc. a Florida Corporation ("Lennar" or "Petitioner") has petitioned for the establishment of the Lakes By The Bay South 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, 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 lots or units 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 Lakes By The Bay South Community Development District over the real property described in Exhibit A attached hereto, which was filed by Lennar Homes Inc. a Florida Corporation, on July 18, 2003 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:

- Rebecca Wilson
- Sharon Caputo
- Jill Cierpik
- Julie Leisi
- Jorge Cepero

Section 5. The name of the District shall be the "Lakes By The Bay South Community Development District."

Section 6. The Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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 Lakes By The Bay South 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. This Board hereby accepts that Declaration of Restrictive Covenants proffered by the owners of the lands within the jurisdiction of the Lakes By The Bay South Community Development District, in connection with the petition submitted by Lennar Homes 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: JAN 20 2004

Approved by County Attorney as
to form and legal sufficiency:

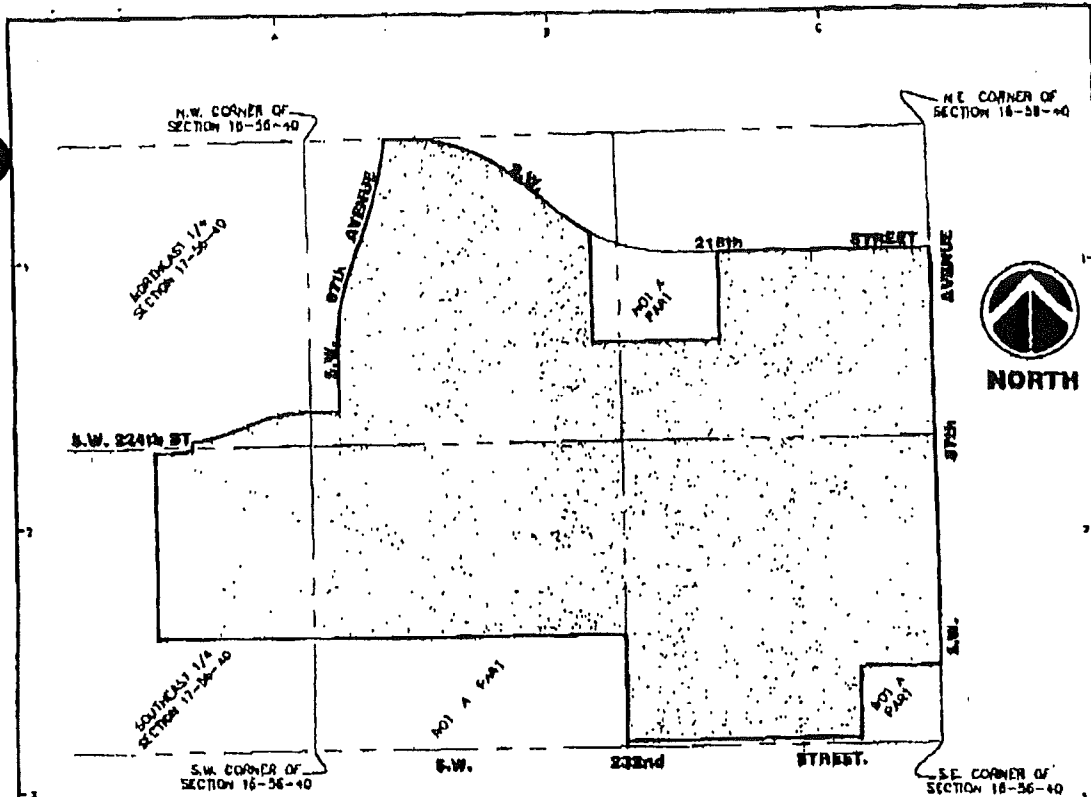
RAG

Prepared by:

JAC

Joni Armstrong Coffey

Exhibit A



LOCATION MAP
 PORTION OF SECTION 17 AND SECTION 18
 TOWNSHIP 36 S, RANGE 40 EAST
 MIAMI-DADE COUNTY, FLORIDA
 (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 ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
- 4) -North arrow direction and Bearings shown hereon are based on an assumed value S01°02'36"W along the East Line of Section 16-56S-40E, 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 utilizes 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 61G17-6, Florida Administrative Code.

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

Date: MARCH 26, 2002.

Revision: AUGUST 8, 2003 (REVISED LEGAL)

Ricardo Rodriguez
 Ricardo Rodriguez P.S.M.

Professional Surveyor and Mapper
 State of Florida, Registration No.5936

"LAKES BY THE BAY SOUTH COMMONS"



FORD, ARMENTEROS & MANUCY, INC.
 1850 N.W. 94th AVENUE, 2nd FLOOR
 MIAMI, FLORIDA 33172
 PH. (305) 477-8472
 FAX (305) 470-2805

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION			
PLOT NAME: LOCATION MAP AND SURVEYOR'S NOTES			
PREPARED FOR: Lennar Homes			
DATE OF: E. REYES	DATE: 03-28-2002	SHEET: 1	
DATE CHECKED BY: [Signature]	SCALE: N/A	OF 7 SHEETS	
DRAWN BY:	PROJECT NO: 01-041-0008		

LEGAL DESCRIPTION:

A portion of Sections 16 and 17, Township 56 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of said Section 16; thence N01deg02min36secW, along the East Line of the Southeast 1/4 of said Section 16 for 675.14 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence S88deg57min38secW for 667.90 feet; thence S01deg02min36secE for 619.71 feet; thence S89deg01min59secW, along a line 55.00 feet North of and parallel with the South Line of the Southeast 1/4 of said Section 16, for 2019.51 feet; thence N00deg44min26secW, along the West Line of the Southeast 1/4 of said Section 16, for 950.18 feet; thence S89deg03min11secW, along the North Line of the South 3/8, of the Southwest 1/4 of said Section 16, for 2680.55 feet to the Northwest corner of the South 3/8, of the Southwest 1/4 of said Section 16; thence S89deg18min13secW for 1336.00 feet; thence N00deg34min08secW for 1634.12 feet; thence N89deg10min28secE for 0.18 feet to a point of curvature of a circular curve to the left, concave to the North; thence Northeasterly along the arc of said curve, having for its elements a radius of 2085.80 feet, through a central angle of 4deg30min45sec for an arc distance of 184.27 feet to a point of tangency; thence N84deg39min43secE for 158.71 feet; thence N05deg20min17secW, along a line radial to the next described circular curve, for 80.00 feet to a point on the arc of a circular curve to the left, concave to the Northwest; The next four (4) courses and distance being along the South Boundary Line and its Easterly prolongation of "LAKES BY THE BAY SECTION FIVE", according to the plat thereof, as recorded in Plat Book 131, at Page 75 of the Public Records of Miami-Dade County, Florida; 1) thence Northeasterly along the arc of said curve, having for its elements a radius of 1195.00 feet, through a central angle of 16deg09min45sec for an arc distance of 337.10 feet to a point of tangency; 2) thence N68deg29min58secE for 228.72 feet to a point of curvature of a circular curve to the right, concave to the Southeast; 3) thence Northeasterly and Easterly along the arc of said curve, having for its elements a radius of 1305.00 feet, through a central angle of 20deg35min33sec for an arc distance of 469.03 feet to a point of tangency; 4) thence N89deg05min31secE for 272.92 feet; The next four (4) courses and distances being along the centerline of S.W. 97th Avenue as shown on said plat of "LAKES BY THE BAY SECTION FIVE", and on the plat of "LAKES BY THE BAY SECTION FOUR", according to the plat thereof, as recorded in Plat Book 130, at Page 53 of the Public Records of Miami-Dade County, Florida; 1) thence N00deg54min29secW for 595.00 feet to a point of curvature of a circular curve to the right, concave to the Southeast; 2) thence Northerly and Northeasterly along the arc of said curve, having for its elements a radius of 1800.00 feet, through a central angle of 20deg00min00sec for an arc distance of 628.32 feet to a point of tangency; 3) thence N19deg05min31secE for 532.62 feet to a point of curvature of a circular curve to the left, concave to the Northwest; 4) thence Northeasterly along the arc of said curve, having for its elements a radius of 3200.00 feet, through a central angle of 12deg09min37sec for an arc distance of 679.16 feet to a point on a non-tangent line; The next four (4) courses and distances being along the centerline of S.W. 216th Street as shown on the plat of "LAKES BY THE BAY SECTION EIGHT", according to the plat thereof, as recorded in Plat Book 139, at Page 50 of the Public Records of Miami-Dade County, Florida; 1) thence N89deg01min41secE for 147.98 feet to a point of curvature of a circular curve to the right, concave to the Southwest; 2) thence Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 1500.00 feet, through a central angle of 39deg34min35sec for an arc distance of 1036.11 feet to a point of tangency; 3) thence S51deg23min30secE for 550.71 feet to a point of curvature of a circular curve to the left, concave to the Northeast; 4) thence Southeasterly along the arc of said curve, having for its elements a radius of 1500.00 feet, through a central angle of 9deg57min31sec for an arc distance of 260.71 feet to a point on a non-tangent line; thence S00deg28min59secE for 949.39 feet; thence N89deg03min14secE for 1090.26 feet;

"LAKES BY THE BAY SOUTH COMMONS"



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 FAX (305) 477-2825

TYPE OF PROJECT	SKETCH AND LEGAL DESCRIPTION		
PREPARED FOR	LEGAL DESCRIPTION TO ACCOMPANY SKETCH		
PROJECT FOR	Lennaf Homes		
DATE OF	E. REYES	DATE	03-26-2002
PREPARED BY		SCALE	N/A
DATE OF		PROJECT NO.	01-041-2809

2
 of 7 sheets

thence N00deg31min55secW for 753.00 feet; thence N89deg09min53secE, along the centerline of S.W. 216th Street as shown on the plat of "LAKES BY THE BAY SECTION NINE", according to the plat thereof, as recorded in Plat Book 141, at Page 2 of the Public Records of Miami-Dade County, Florida, for 1811.62 feet; thence S00deg50min19secE, along the East Line of the Northeast 1/4 of said Section 16, for 1634.55 feet to the East 1/4 corner of said Section 16; thence S01deg02min36secE, along the East Line of the Southeast 1/4 of said Section 16, for 1994.89 feet to the POINT OF BEGINNING.

All of the above described land situated, being and lying in Miami-Dade County, Florida, and containing 22,500,563.22 Square Feet and/or 516.54 Acres more or less.

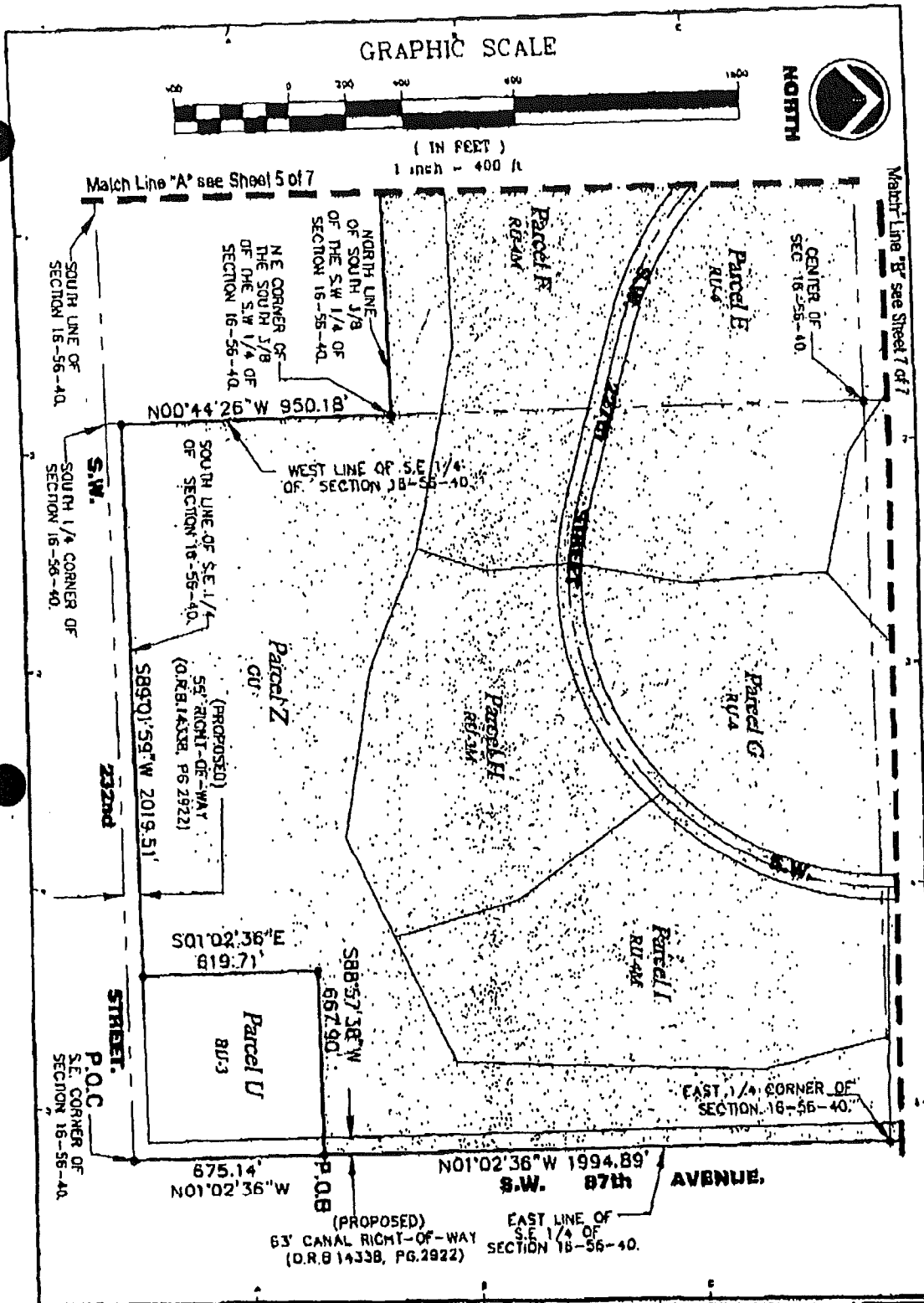
"LAKES BY THE BAY SOUTH COMMONS"



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 1860 N.W. 84th AVENUE, 2nd FLOOR
 MIAMI, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TITLE OF PROJECT SKETCH AND LEGAL DESCRIPTION			
PLOT NAME LEGAL DESCRIPTION TO ACCOMPANY SKETCH			
PREPARED FOR Lennar Homes			
DRAWN BY E. REYES	DATE 03-28-2002	SHEET 3	
PLG. CHECKED BY	SCALE N/A		
PROJECT NO.	PROJECT 01-041-6308		

3
of 7 sheets

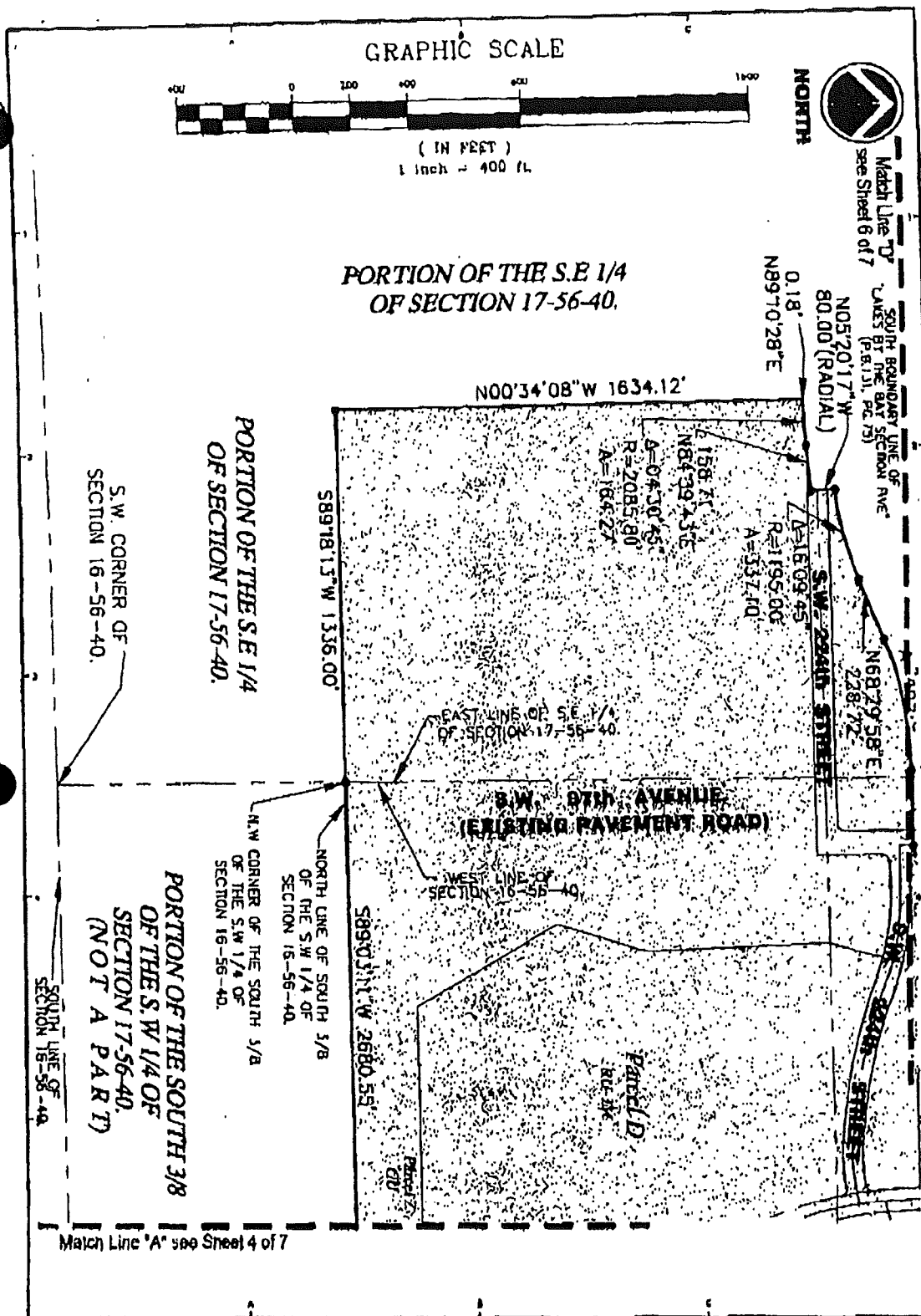


"LAKES BY THE BAY SOUTH COMMONS"



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 FAX (306) 470-2805

DATE	03-26-2002		
PROJECT	LAKES BY THE BAY SOUTH COMMONS		
PREPARED BY	Lennar Homes		
DATE	03-26-2002	SCALE	1" = 400'
PROJECT NO.	01-041-5809	SHEET	4
		OF 7 SHEETS	



"LAKES BY THE BAY SOUTH COMMONS"

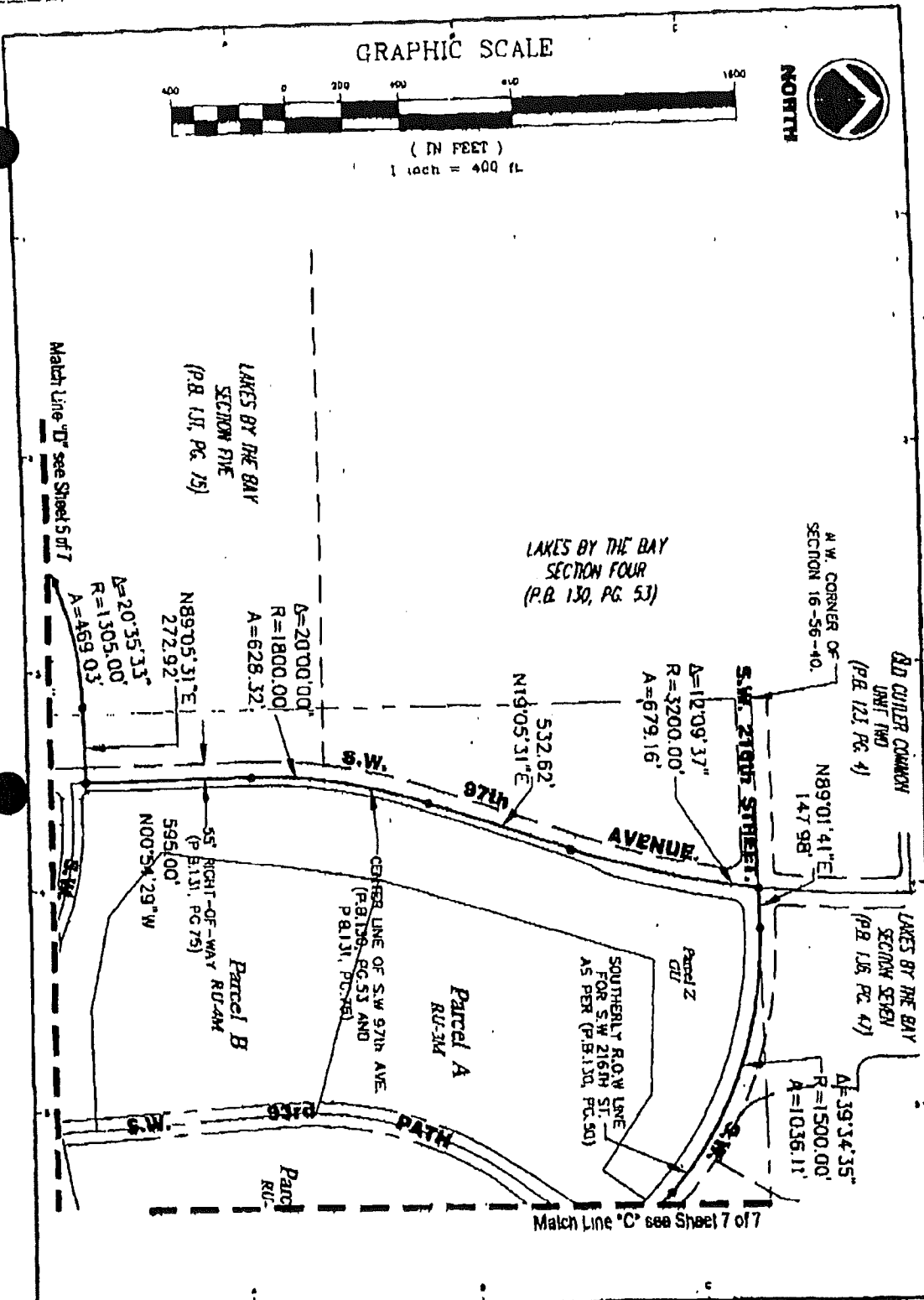


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MIAMI, FLORIDA 33172
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FAX (305) 470-2805


TYPE OF PROJECT		SKETCH AND LEGAL DESCRIPTION	
SHEET NO.		SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
PROJECT NO.		Lennar Homes	
DATE	BY	DATE	BY
03-28-2002	E REYES	03-28-2002	
DATE CHECKED BY	SCALE	PROJECT NO.	
	1" = 400'	01-041-5809	
DATE			

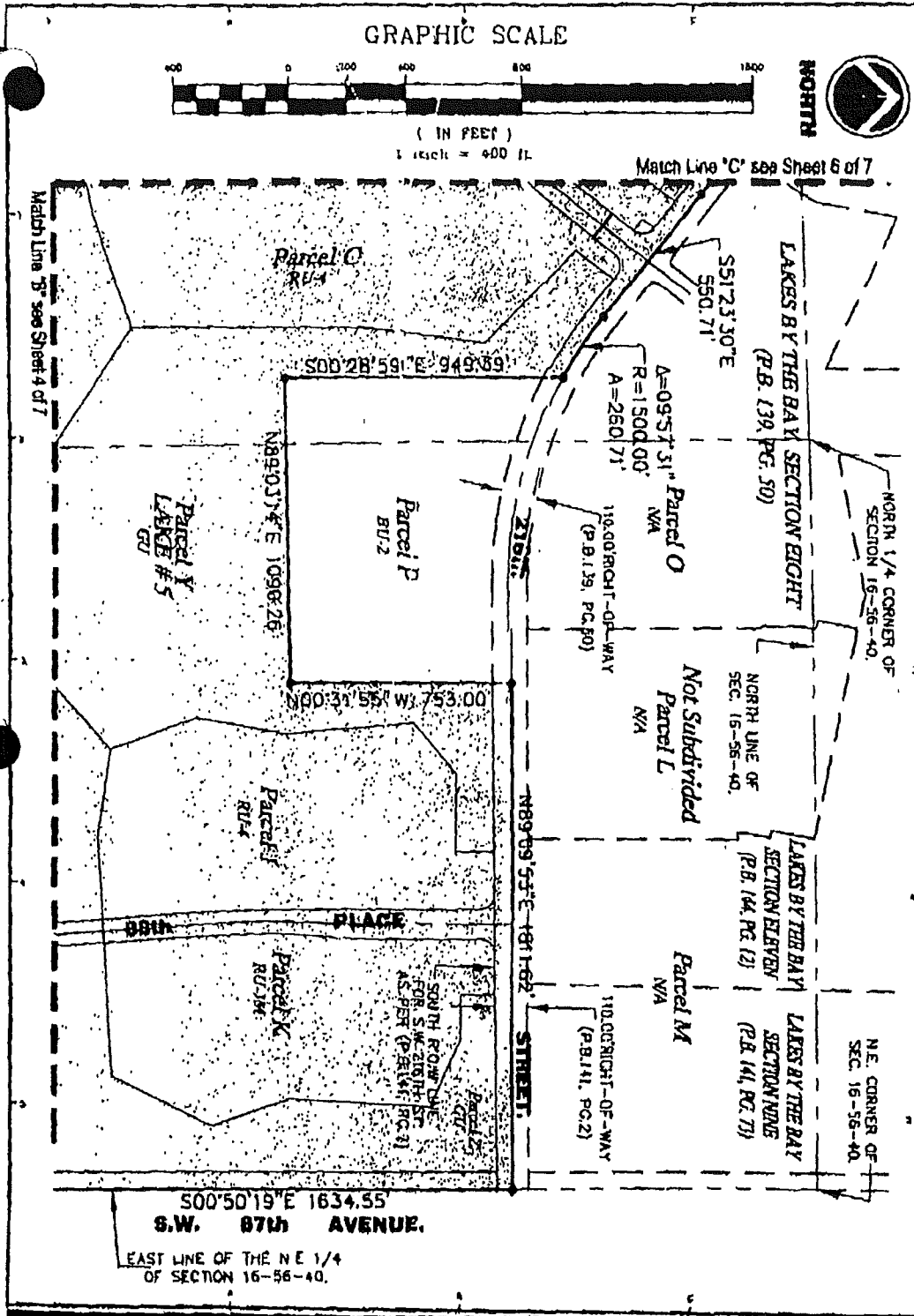
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of 7 sheets



"LAKES BY THE BAY SOUTH COMMONS"

 <p>FORD, ARMENTEROS & MANUCY, INC. 1850 N.W. 94th AVENUE, 2nd FLOOR MIAMI, FLORIDA 33172 PH. (305) 477-8472 FAX (305) 470-2805</p>	SKETCH AND LEGAL DESCRIPTION		
	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DATE OF PREPARE	LANDLUB HOMES		PAGE
DRAWN BY	E REYES	DATE	03-26-2002
DATE CHECKED BY	SCALE	1" = 400'	6
CHECKED BY	PROJECT NO.	01-041-6800	of 7 sheets



"LAKES BY THE BAY SOUTH COMMONS"



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 FAX (305) 470-2605

TYPE OF RECORD	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PREPARED FOR	Lennar Homes		
NAME OF PROJECT	E. REYES	DATE	03-28-2002
SCALE	1" = 400'	SHEET	7
PROJECT NO.	01-041-5608	of 7 sheets	