

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: October 18, 1994

SUBJECT: "Miami Lakes Section One  
Security Guard  
Special Taxing District"

FROM: *Joaquin G. Avino*  
Joaquin G. Avino, P.E., P.L.S.  
County Manager

94-233

**RECOMMENDATION:**

It is recommended that the Board approve a resident petition submitted in accordance with Article 1, Chapter 18 of the Code, for creation of the "Miami Lakes Section One Security Guard Special Taxing District."

Boundaries: Bounded on the North by N.W. 154th Street;  
Bounded on the South by Glencairn Terrace;  
Bounded on the East by Montrose Road;  
Bounded on the West by N.W. 87th Avenue.

Number of Parcels: 593

Number of Homestead Exemptions: 443

Number of Owners With Homestead  
Exemption Signing Petition: Signed by 284 or 64% of the resident property owners.

Preliminary Public Meeting: May 19, 1994

**Type of Improvements:** A visible safety and sentinel security program, initially to consist of one unarmed uniformed guard per shift operating from the guardhouse proposed to be located on Balgowan Road, west of Montrose Road. In addition, Glenny Terrace and Balgowan Road, south of Ardoch Road will be barricaded. The reconstruction of Balgowan Road, construction of the connection road and guardhouse, installation of card readers and gates, and barricading of Glenny Terrace and Balgowan Road south of Ardoch Road will be capital improvement items of this district. Service will be provided 24 hours per day, 365 days a year.

**Required Referendum:** Every qualified registered voter residing within the district limits will be afforded the opportunity to vote at an election conducted by mail, estimated to be held January, 1995.

**Preliminary Assessment Roll:** Submitted on the same agenda as a separate agenda item for consideration and adoption by the Board of County Commissioners and contingent upon the Board's approval of this district's creation ordinance and subsequent ratifying referendum. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code and subject to ratification by the registered voters within the district limits.

**Estimated Completion:** December, 1995

**Estimated Initial Billing:** November, 1995.

Assessment billed annually as an itemized portion of tax bill.

**ECONOMIC IMPACT ANALYSIS**

The economic impact on the County's budget will be from the advancement of funds by several County Departments. Advancement of funds will result from various department's expenditure of labor and materials necessary to engineer and administrate the creation of the district. All district costs incurred will be reimbursed to each department after the Board's adoption of the preliminary assessment roll, ratification of the district by the registered voters within the district limits and collection of the assessments from the affected property owner's November 1995 annual tax bill.

- The economic impact on the private sector will be a perpetual annual special assessment for the cost of security guard service to all property owners within the district.

At this time there will be no increase or decrease in County staffing due to this district. The private sector may increase their staffing levels to provide the service requirements created by this special taxing district.

|                                | <u>First Year</u> | <u>Second and Succeeding Years</u> |
|--------------------------------|-------------------|------------------------------------|
| Estimated Total District Cost: | \$331,000         | \$130,000                          |
| Method of Apportionment:       | Unit              |                                    |

**Sample Assessments:**

|   |          |          |
|---|----------|----------|
| Cost Per Developed Lot Assessed as 1 Unit:                | \$519.62 | \$204.08 |
| Cost Per Vacant / Underdeveloped Lot Assessed as .5 Unit: | \$259.81 | \$102.04 |

The sample assessments selected and shown above are representative annual assessments of developed and vacant / underdeveloped lots within this district.

State or Federal grants are not applicable to this special taxing district.

Each security guard special taxing district is unique due to its geographical boundaries, affected property owners, and level of services to be provided. Therefore, a previously approved ordinance could not be used, and only a new ordinance will satisfy the requirements of Chapter 18 of the Code.

As required by the provisions of Chapter 18-3 of the Code, I have reviewed the facts submitted by the Public Works Director and concur with his recommendation that this district be created if approved by the referendum required subsequent to this public hearing.

ORDINANCE NO. 94-233

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS "MIAMI LAKES SECTION ONE SECURITY GUARD SPECIAL TAXING DISTRICT" IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Dade County power to adopt a home rule charter of government for Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including police protection services, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Metropolitan Dade

County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a petition for the creation of a special taxing district to be known as the "MIAMI LAKES SECTION ONE SECURITY GUARD SPECIAL TAXING DISTRICT" duly signed by more than 50% of the resident owners of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing security guard services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Metropolitan Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report

and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the security guard services and improvements to be provided and maintained within the proposed district, an estimate of the cost of constructing and maintaining such project, his certification that the proposed project and proposed district conform to the master plan of development for the County, and setting forth his recommendations concerning the need and desirability for the requested project, the ability of the affected property to bear special assessments for financing the cost of maintaining such project, and an estimate of the amount to be assessed against each developed and/or vacant/underdeveloped benefited parcel of property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries and location of the proposed district. Such "Report and Recommendations" of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the project petitioned for would be of special benefit to all property within the proposed district and that the total amount of the special assessments to be levied would not be in

excess of such special benefit; the Clerk of the Board certified the place, date and hour a public hearing on the petition of the property owners and the report and recommendations of the County Manager--said hearing was held on Tuesday,

. Copies of said notice of public hearing were duly published in newspapers of general circulation published in Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Dade County tax assessment roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , held a public hearing in accordance with the provisions of said Clerk's certificate, at which public hearing all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and

establish such special taxing district in accordance with the report and recommendations of the County Manager,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a special taxing district located in unincorporated Dade County, Florida, known and designated as the "MIAMI LAKES SECTION ONE SECURITY GUARD SPECIAL TAXING DISTRICT" is hereby created and established.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

A portion of Section 22, Township 52 South, Range 40 East, Dade County, Florida; being more particularly described as follows:

All of "MIAMI LAKES - LAKE GLENN ELLEN" according to the plat thereof, as recorded in Plat Book 113 at Page 99;

AND

All of "MIAMI LAKES - LAKE SANDRA" according to the plat thereof, as recorded in Plat Book 115, at Page 6;

AND

All of "MIAMI LAKES - LAKE CYNTHIA SECTION ONE" according to the plat thereof, as recorded in Plat Book 125 at Page 29;

AND

All of "MIAMI LAKES - LAKE CAROL" according to the plat thereof, as recorded in Plat Book 127 at Page 31;

AND

All of "MIAMI LAKES LAKE CYNTHIA SECTION TWO" according to the plat thereof, as recorded in Plat Book 127 at Page 35;

AND

All of "MIAMI LAKES - LAKE ELIZABETH SECTION ONE" according to the plat thereof, as recorded in Plat Book 128 at Page 71;

AND

All of "MIAMI LAKES - LAKE CYNTHIA SECTION THREE" according to the plat thereof, as recorded in Plat Book 129 at Page 63;

AND

All of "MIAMI LAKES - LAKE CAROL REPLAT NO. ONE" according to the plat thereof, as recorded in Plat Book 131 at Page 55;

AND

All of "MIAMI LAKES - LAKE ELIZABETH SECTION THREE" according to the plat thereof, as recorded in Plat Book 132 at Page 1;

AND

All of "MIAMI LAKES - LAKE CAROL REPLAT NO. 2" according to the plat thereof, as recorded in Plat Book 132 at Page 5;

AND

All of "MIAMI LAKES - LAKE CAROL REPLAT NO. THREE" according to the plat thereof, as recorded in Plat Book 132 at Page 80;

AND

All of "MIAMI LAKES - LAKE ELIZABETH SECTION FOUR" according to the plat thereof, as recorded in Plat Book 134 at Page 40;

AND



All of "MIAMI LAKES - LAKE CAROL REPLAT NO. FOUR" according to the plat thereof, as recorded in Plat Book 134 at Page 41;

AND

All of "MIAMI LAKES - LAKE ELIZABETH SECTION FIVE" according to the plat thereof, as recorded in Plat Book 135 at Page 24;

AND

All of "GRAHAM POINT" according to the plat thereof, as recorded in Plat Book 138 at Page 81;

AND

A portion of Tracts 1 through 5, 9, 10, 23 and 24 in the Southwest 1/4 and Tracts 8, 23 and 24 in the Northwest 1/4 in Section 22, Township 52 South, Range 40 East, and the unnamed rights-of-way adjacent thereto, of "CHAMBER'S LAND COMPANY SUBDIVISION" as recorded in Plat Book 2 at Page 68, Dade County, Florida; being more particularly described as follows:

Begin at the Northeast corner of Tract B, "MIAMI LAKES-LAKE ELIZABETH SECTION THREE," as recorded in Plat Book 132 at Page 1; thence S 2° 12' 35" E for 949.36 feet to a Point of Curvature; thence Southerly and Southeasterly along a circular curve to the left, having a radius of 25.00 feet and a central angle of 87° 41' 48" for an arc distance of 38.27 feet to a Point of Tangency; (said last two courses being coincident with the Easterly boundary of said Tract B); thence S 89° 54' 23" E for 656.54 feet; thence N 17° 41' 34" E for 506.92 feet; thence N 78° 23' 05" W for 24.32 feet; thence N 38° 36' 55" for 300.00 feet; thence N 6° 23' 05" W for 788.46 feet to a point on the South line of Tract "B," "GRAHAM POINT," as recorded in Plat Book 138 at Page 81; thence S 81° 49' 55" W along a line coincident with the South Boundary line of Tracts "A" and "B" of said "GRAHAM POINT," for 907.99 feet; thence N 89° 53' 29" W along the South line

of said Tract "A," for 64.78 feet; thence South 2° 12' 35" E along the Easterly right-of-way line of Balgowan Road, as shown on "MIAMI LAKES-LAKE CAROL," as recorded in Plat Book 127 at Page 31 for 403.42 feet to the Point of Beginning, and containing 29.987 Acres more or less. (Bearings stated herein are based upon an assumed bearing along the East line of said Tract B of S 2° 12' 35" E).

All the aforementioned plats being recorded in the Public Records of Dade County, Florida.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

A visible safety and sentinel security program, initially to consist of one unarmed uniformed guard per shift operating from the guardhouse proposed to be located on Balgowan Road, west of Montrose Road. In addition, Glenny Terrace and Balgowan Road, south of Ardoch Road will be barricaded. The reconstruction of Balgowan Road, construction of the connection road and guardhouse, installation of card readers and gates, and barricading of Glenny Terrace and Balgowan Road south of Ardoch Road will be capital improvement items of this district. Service will be provided 24 hours per day, 365 days a year.

Section 4. The estimated cost to the property owners for the security guard services including engineering, construction, administrative, billing, collecting and processing for the first

year is \$331,000, and \$130,000 for each year thereafter. The County will advance funds for this program, which sum shall be reimbursed by special assessments. It is estimated that the cost per developed parcel of real property within the proposed district for the first year is \$519.62 and \$204.08 for the second and succeeding years. It is estimated that the cost per vacant/undeveloped parcel of real property within the proposed district for the first year is \$259.81 and \$102.04 for the second and succeeding years.

Section 5. It is hereby declared that said project will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Manager is hereby authorized and directed to take all necessary steps to solicit and receive competitive bids in accordance with established County procedures, and/or, in his discretion, enter into an interlocal agreement or service agreement with off-duty police officers for providing security guard services within the district.

Section 7. The County Manager is directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of

Chapter 18-14 of the Code of Metropolitan Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

Section 8. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, and recorded in the appropriate book of records.

Section 9. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by Resolution.

PASSED AND ADOPTED: DEC 13 1994

Approved by County Attorney as to  
form and legal sufficiency.                     

Prepared by:

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**REPORT AND RECOMMENDATIONS  
ON THE CREATION OF MIAMI LAKES SECTION ONE  
SECURITY GUARD SPECIAL TAXING DISTRICT  
DADE COUNTY, FLORIDA**

As Public Works Director, responsible for the detailed investigation of a duly petitioned for improvement district, the following facts are hereby submitted concerning the creation of "Miami Lakes Section One Security Guard Special Taxing District."

**1. BOUNDARIES OF THIS DISTRICT**

The proposed district is located entirely within a portion of unincorporated Dade County and the boundaries as set forth in the petition are:

Bounded on the North by N.W. 154th Street;  
Bounded on the South by Glencairn Terrace;  
Bounded on the East by Montrose Road;  
Bounded on the West by N.W. 87th Avenue.

Upon review by the Public Works Department, the boundaries were not altered. A preliminary public meeting was held on May 19, 1994, at American Senior High School, at which time the property owners in attendance were presented the facts pertaining to the boundaries of this district, a description of the security service, its costs and the method of paying for the planned security program.

Therefore, the boundaries of the "Miami Lakes Section One Security Guard Special Taxing District" are as follows:

A portion of Section 22, Township 52 South, Range 40 East, Dade County, Florida;  
being more particularly described as follows:

All of "MIAMI LAKES - LAKE GLENN ELLEN" according to the plat thereof, as recorded in Plat Book 113 at Page 99;

AND

All of "MIAMI LAKES - LAKE SANDRA" according to the plat thereof, as recorded in Plat Book 115 at Page 6;

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AND

All of "GRAHAM POINT" according to the plat thereof, as recorded in Plat Book 138 at Page 81;

AND

A portion of Tracts 1 through 5, 9, 10, 23 and 24 in the Southwest 1/4 and Tracts 8, 23 and 24 in the Northwest 1/4 in Section 22, Township 52 South, Range 40 East, and the unnamed rights-of-way adjacent thereto, of "CHAMBER'S LAND COMPANY SUBDIVISION" as recorded in Plat Book 2 at Page 68, Dade County, Florida; being more particularly described as follows:

Begin at the Northeast corner of Tract B, "MIAMI LAKES-LAKE ELIZABETH SECTION THREE," as recorded in Plat Book 132 at Page 1; thence S 2° 12' 35" E for 949.36 feet to a Point of Curvature; thence Southerly and Southeasterly along a circular curve to the left, having a radius of 25.00 feet and a central angle of 87° 41' 48" for an arc distance of 38.27 feet to a Point of Tangency; (said last two courses being coincident with the Easterly boundary of said Tract B); thence S 89° 54' 23" E for 656.54 feet; thence N 17° 42' 34" E for 506.92 feet; thence N 78° 23' 05" W for 24.32 feet; thence N 38° 36' 55" E for 300.00 feet; thence N 6° 23' 05" W for 788.46 feet to a point on the South line of Tract "B", "GRAHAM POINT", as recorded in Plat Book 138 at Page 81; thence S 81° 49' 55" W along a line coincident with the South boundary line of Tracts "A" and "B" of said "GRAHAM POINT", for 907.99 feet; thence N 89° 53' 29" W along the South line of said Tract "A", for 64.78 feet; thence South 2° 12' 35" E along the Easterly right-of-way line of Balgowan Road, as shown on "MIAMI LAKES-LAKE CAROL", as recorded in Plat Book 127 at Page 31 for 403.42 feet to the Point of Beginning, and containing 29.987 Acres more or less. (Bearings stated herein are based upon an assumed bearing along the East line of said Tract B of S 2° 12' 35" E).

All the aforementioned plats being recorded in the Public Records of Dade County, Florida.



## **2. DESCRIPTION AND LOCATION OF THE SERVICE TO BE PROVIDED**

The service as specified by the petition will be a visible safety and sentinel security program, initially to consist of one unarmed uniformed security guard per shift operating from a guardhouse located on Balgowan Road, west of Montrose Road, which may be upgraded to off-duty police officers. Service will be provided 24 hours per day, 365 days a year. The service level will be reviewed with the District's homeowners association Board prior to renewal or reletting of a service contract as it is an integral part of this district's budget process. In the absence of a bona fide homeowners association, notification will be sent informing the district property owners of Dade County selection of a service provider. Also in the event Balgowan Road is developed to intersect with Commerce Way, a second guardhouse will be constructed by the developing property owner, (see attached restrictive covenant) the district will only be responsible for the cost to staff the operation, and the associated administrative and maintenance fees.

This service will be provided by a duly licensed and bonded State of Florida approved security service company. The service, as administered by the Dade County Public Works Department, will commence at the earliest practicable time following the creation and establishment of the district by the Dade County Board of County Commissioners and said creation ratified by the electorate at the required subsequent referendum.

## **3. ESTIMATED COST FOR THIS SERVICE**

The request made by the petitioners is for a continual unarmed security service as indicated in Section 2 of this report.

The cost estimates are based upon bids recently received from security service companies by the Dade County Public Works Department. For this report, an estimated hourly rate of \$11.00 was used for the stationary guard multiplied by the annual number of hours of guard service for an estimated total of \$96,000.

In addition to the cost for the security service, a capital outlay of \$160,000 is required for the reconstruction of Balgowan Road, construction of the connection road and guardhouse, installation of card readers and electronic gates, and barricading of Glenny Terrace and Balgowan Road south of Ardoch Road. It is also requested that the Board approve construction of a two lane connector road through public park space designated as Tract P-70. The connector road would accommodate the requested inclusion in the district by the Miami Lakes Lake Sandra Homeowners Association by redesigning vehicular access to a portion of their community via a connection road. The cost to provide utilities and maintenance for the guardhouse is estimated to be \$4,000 the first year and \$4,000 annually thereafter.

It will also be necessary for the County to recover the engineering and contract administrative costs incurred to establish and maintain the district as provided by Chapter 18 of the Code. This is estimated to be \$28,000 the first year and \$13,000 annually thereafter. Also, it will be necessary for the County to charge the district a fee for handling the billing, advertising, first year election cost, collecting the assessments, and processing the monthly invoices to the security service company. This cost is estimated to be \$7,000 the first year and \$2,000 annually thereafter. Additionally, contingency funds in the amount of \$36,000 the first year and \$15,000 each year thereafter are provided. Therefore, the first year total cost is estimated to be \$331,000 and the second year total cost is estimated to be \$130,000. The succeeding years costs will be determined on an annual basis.

#### **4. PROCEDURE**

Prior to commencement of service, the County Manager on behalf of Dade County will enter into a contractual agreement with the security service company, wherein it is agreed that Dade County will pay to the security service company, in monthly payments, approximately one twelfth of the annual cost now estimated to be \$96,000 or approximately \$8,000 per month.

Each property owner in the district will pay the County, by special assessment on a unit basis, a proportionate share of the total annual cost. This cost will be shown as an itemized portion of the annual ad valorem tax bill.

#### **5. CONFORMITY TO THE MASTER PLAN OF DADE COUNTY**

The proposed improvement conforms to and in no way conflicts with the Comprehensive Development Master Plan for Dade County. (Memorandum from Planning Department is attached.)

#### **6. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS IMPROVEMENT**

The proposed security program is desirable as evidenced by the property owners' petition. The 1993 net property valuation within the district (\$72,879,698), is a good indication that the affected property is able to pay such assessments as may be required and, in my opinion, the proposed improvement will provide special benefits to properties within the district exceeding the amount of special assessments to be levied.

**7. ESTIMATE OF ASSESSMENT AGAINST BENEFITTED PROPERTY**

The combined estimated annual cost for the security service and other expenses as estimated and indicated in Section 3 is \$331,000 the first year and \$130,000 the second year, with succeeding years' costs determined annually. The cost is to be paid for by special assessment against benefitted properties and is to be apportioned to individual properties within the boundaries of the district on a unit basis. The cost per unit and fraction thereof to be assessed for this service is estimated as follows:

**UNITS FACTORS**

| <u>Item</u>  | <u>First Year</u> | <u>Second Year</u> |
|--|-------------------|--------------------|
| Number of Developed Lots<br>assessed as 1 Unit x 629               | 629*              | 629*               |
| Number of Vacant / Underdeveloped<br>Lots assessed as .5 Unit x 16 | <u>8*</u>         | <u>8*</u>          |
| Unit Total   | 637*              | 637*               |

\*To be reviewed annually.

**ESTIMATED ANNUAL COSTS**

| <u>Item</u>  | <u>Amounts</u>         |  |
|--|------------------------|--|
|  | <u>First Year Cost</u> | <u>Second and<br/>Succeeding Years</u> |
| Annual Cost of Service   | \$ 96,000              | \$ 96,000                              |
| Capital Improvements<br>(Reconstruct Balgowan Road, Construct<br>Connection Road, Guardhouse,<br>Card Readers, Gate System & Barricades) | 160,000                | -0-                                    |
| Engineering & Contract<br>Administrative Cost  | 28,000                 | 13,000                                 |
| Advertising, Printing, Mailing,<br>Election and Collection Cost  | 7,000                  | 2,000                                  |
| Utilities & Maintenance Expenses   | 4,000                  | 4,000                                  |
| Contingency Cost   | <u>\$ 36,000</u>       | <u>\$ 15,000</u>                       |
| Estimated Total District Cost  | \$331,000              | \$130,000                              |

## SAMPLE ASSESSMENTS

| <u>Item</u>  | <u>Amounts</u>    |                                    |
|--|-------------------|------------------------------------|
|  | <u>First Year</u> | <u>Second and Succeeding Years</u> |
| Total Cost To District                                   | \$331,000         | \$130,000                          |
| Cost Per Developed Lot Assessed as 1 Unit                | \$519.62          | \$204.08                           |
| Cost Per Vacant / Underdeveloped Lot Assessed as .5 Unit | \$259.81          | \$102.04                           |

These costs are based on a preliminary estimate of 637 units and will be adjusted from actual experience.

### 8. RECOMMENDATION

It is my recommendation that the referendum required by Chapter 18 of the Code be conducted by the Dade County Elections Department using a mailed ballot. Upon approval by the County Commissioners, the Elections Department will send a summary of the report on this district, a copy of which is attached, to each registered voter living within the district. Upon adoption of the ordinance creating this special taxing district, and the Board of County Commissioners approval of the resolution requiring a referendum to ratify the Board's decision, it is also recommended that the Board adopt as the next agenda item, the Miami Lakes Section One Security Guard Special Taxing District Preliminary Assessment Roll Resolution. Adoption of this resolution will enable Dade County to reimburse its departments the funds advanced for engineering and or administration to create this district. My office will also be available to answer any questions from the public or from your office in regard to the financial and/or engineering facts of this district. We further recommend that the County Manager sign the attached report to the Board of County Commissioners after you have reviewed this report and concur with our findings.

- Attachments:
- (1) Copy of Covenant
  - (2) Copy of Memo to Clerk Division
  - (3) Copy of Memo from Planning Department
  - (4) Copy of Summary of the Report and Exhibit "A"

## DECLARATION OF RESTRICTIONS

WHEREAS, The Graham Companies is the fee simple owner (the "Owner"), of the property described in the attached Exhibit A (the "Property");

WHEREAS, Owner intends to develop the Property located in the southwest one-quarter of Section 22, Township 52 South, Range 40 East, with residential dwelling units;

WHEREAS, residents of the nearby Lake Elizabeth, Lake Cynthia, Lake Carol, Lake Sandra, and Lake Glenn-Ellen subdivisions of Miami Lakes have petitioned Metropolitan Dade County for the creation of the "Miami Lakes Section I Security Guard Special Taxing District" (the "District"), to fund and construct a guardhouse and related improvements, and to operate and maintain these improvements;

WHEREAS, the Owner has represented to the Dade County Public Works Department (the "Department") that it wishes to include the Property in the District, upon certain terms and conditions, and upon the circumstances as set forth in this Declaration; and

WHEREAS, the Owner wishes to assure the Dade County Public Works Department and the Board of County Commissioners of Dade County, Florida, that it will abide by the representations it has made with respect to the inclusion of the Property in the District.

NOW, THEREFORE, the Owner hereby voluntarily makes the following covenants and agreements covering and running with the Property:

1. Inclusion in District. The Owner agrees to include the Property in the District, subject to the terms and conditions described in this Declaration.

2. Assessment of Property. The Property will be taxed for ad valorem tax purposes under one folio number, 30-2022-001-0570, commencing with the 1994 tax roll. As long as the Property (or any portion thereof) is undeveloped, the District shall assess the Property as one-half (1/2) of one unit. The District shall assess each completed dwelling unit constructed on the Property as one (1) unit. The Owner shall furnish the Department with an annual report, no later than June 1st of each year, setting forth the number of dwelling units with certificates of occupancy on the Property.

3. Extension of Balgowan Road. If Balgowan Road is connected to Commerce Way from Ardoch Road, then Owner shall (a) construct the improvements described in this paragraph (the "Security Improvements"), and donate same to the District, and (b) complete the Security Improvements prior to occupancy of the first residential dwelling unit on the Property. The Security Improvements shall include a two lane entrance, a median for the guardhouse area, one exit lane, a guardhouse, electrical raceways and the pads for the gates, constructed to the Department's specifications. The Security Improvements shall be located in the median of Balgowan Road, approximately 200 to 300 feet north of Commerce Way. The final location, design and construction of the Security Improvements shall be subject to the approval of the Department Director.

4. Development of Property. In addition to the Owner's agreement to construct the Security Improvements as described in the preceding paragraph, Owner agrees to prohibit access to Balgowan Road through the Property from Commerce Way. Furthermore, Owner agrees that if Balgowan Road is connected to Commerce Way from Ardoch Road, the entrance to the Property from Balgowan Road shall be located north of the Security Improvements. Owner will submit any proposed site plan for development of the Property to Department, and Department shall review such site plan in order to confirm that the proposed development of the Property complies with the provisions of this paragraph.

5. Vacation of Roadway. If Dade County vacates the extension of Balgowan Road from Ardoch Road to Commerce Way, or takes other action which would eliminate or prevent the future construction of this roadway, then Owner shall have no obligation to construct the Security Improvements. Owner shall be obligated to petition Dade County to vacate such portion of Balgowan Road, and obtain a final, non-appealable decision by the County regarding such petition, prior to Owner's commencement of dwelling unit construction on the Property. Provided, however, that nothing set forth in this paragraph shall be deemed to modify or limit the provisions of paragraph 1 regarding inclusion of the Property in the District. If Balgowan Road is extended from Ardoch Road to Commerce Way, then nothing set forth in this paragraph shall prohibit the Owner from proposing a reduction in the width of the right-of-way for this section of Balgowan Road.

6. Term. This Declaration shall run with the land and shall remain in full force and effect and shall be binding upon the Owner, its successors and assigns for an initial period of thirty (30) years from the date this Declaration is recorded in the Public Records of Dade County, Florida, and shall be extended automatically for successive periods of ten (10) years.

7. Amendment, Modification or Release. This Declaration may only be amended, modified or released as to the Property or any portion of the Property by a written instrument executed by the then Owner of the fee simple title to the Property or portion of the Property to which such amendment, modification or release pertains, providing that same is approved by the Director of the Department, or its successor agency. Should this Declaration be so amended, modified, or released, the Department Director shall execute a written instrument in recordable form effectuating and acknowledging such amendment, modification or release.

8. Application of Covenant. This Declaration shall constitute a covenant running with the land and the title to the Property, binding upon the Owner, its successors and assigns. This Declaration shall be for the benefit of and limitation upon all present and future owners of the Property and for the public welfare.

9. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

10. Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other rights, remedies and privileges.

11. Severability. Invalidation of any one of the provisions of this Declaration by judgment or Court in no way shall affect any of the other provisions of this Declaration which shall remain in full force and effect.

12. Recording and Effective Date. This Declaration shall be effective and binding upon all parties only after it has been filed of record among the public records of Dade County, Florida at the cost of the owner.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, 1994.

WITNESSES:

The Graham Companies

Signature: Melba Wills  
Print name: MELBA WILLS

By: Stuart S. Wyllie  
Stuart S. Wyllie, Senior  
Executive Vice President

Signature: Vivian Johnson  
Print name: VIVIAN JOHNSON

[CORPORATE SEAL]

STATE OF FLORIDA )  
                          ) SS:  
COUNTY OF DADE )

The foregoing instrument was acknowledged before me this 11th day of May, 1994 by Stuart S. Wyllie, Senior Executive Vice President of The Graham Companies, on behalf of the corporation. He is personally known to me or who has produced N/A as identification and did (did not) take an oath that he executed this instrument freely and voluntarily for the uses and purposes herein described.

OFFICIAL NOTARY SEAL  
VIVIAN YVETTE JOHNSON  
COMMISSION NUMBER  
CC349205  
MY COMMISSION EXP.  
FEB. 20, 1998  
My commission expires:

Signature: Vivian Y. Johnson  
Print Name: VIVIAN Y. JOHNSON  
Notary Public, State of Florida





# MEMORANDUM

107.07-17A METRO-DADE/DADE/DADE/DADE/DADE

TO: William G. Oliver, Director  
County Clerk Division  
Clerk of the Board  
Attn: Clinton Forbes

DATE: May 5, 1994

SUBJECT: 1st Revalidation  
"Miami Lakes Section  
One Security Guard  
Special Taxing  
District"

FROM: Armando Vidal, P.E.  
Director  
Public Works Department

Pursuant to Chapter 18 of the Code of Metropolitan Dade County, the attached petition requested the creation and establishment of the above captioned special taxing district. Based on the records of the Property Appraiser Department, we have determined that there are:

1. 593 Total parcels of land within boundary area.
2. 443 Total resident owners of property within boundary area.
3. 284 Total resident owners signed the attached petition
4. 64% Percent of resident owners signed the attached petition.
5. \$72,879,698 Net Property Valuation.

Utilizing Homestead Exemption as the basis for the resident owner requirement, this petition does have the required number of signatures and therefore it is valid.

AV:RD:cj

Attachment

**METRO-DADE COUNTY PUBLIC WORKS DEPARTMENT SPECIAL TAXING DISTRICT**

Petition Issue Date 2/16/94

Date Petition Received by the Department MAR 16 1994

**To the Petitioner:** You are required to circulate this petition among all resident property owners within the district boundaries listed below. All resident property owners must indicate on the petition their position FOR or AGAINST the improvement. In order for the petition to be considered a valid current indication of community preference, it must be completed and returned within four months from the date of issue. All submitted petition forms must be original and completed in ink.

**To the Board of County Commissioners of Dade County, Florida:** We, the undersigned resident property owners do hereby indicate our preference, FOR or AGAINST, the proposed improvement identified in this petition. Those indicating a preference FOR the proposed public improvement are petitioning Dade County, Florida for the creation and establishment of a security guard special taxing district. If approved by the Board, a subsequent Special Election will be held for all registered voters residing in the district to ratify the Board's decision.

**PROPOSED PUBLIC IMPROVEMENT:** The proposed improvements will consist of a visible safety and security service, provided by either a private security guard company or off-duty police officers operating from a guardhouse located on Balgowan Road west of Montrose Road. In the event Balgowan Road is developed to intersect with Commerce Way, a second guardhouse will be constructed on Balgowan Road north of Commerce Way. It is also requested that the Board of County Commissioners approve construction of a two lane connection road through public park space designated as P.70. Also, the access to the community at Glenn Terrace, Balgowan Road directly south of Ardock Road, will be closed to vehicular traffic until such time as the security guard special taxing district no longer exists, or Balgowan Road is opened to intersect with Commerce Way. In the event a second guardhouse is constructed, the district will only be responsible for the costs to staff the operation, and the associated administrative and maintenance fees. The reconstruction of Balgowan Road, the construction of the connection road and guardhouse, installation of card readers and gates, and barricading Glenn Terrace and Balgowan Road will be capital improvement items of this district. Service will be provided 24 hours per day, 365 days a year.

**Proposed Boundaries:** North by: N.W. 154th Street; East by: Montrose Road;  
 South by: Glencairn Terrace; West by: N.W. 87th Avenue.  
 (See Boundaries Sketch Exhibit "A" on back)

**ESTIMATED INDIVIDUAL PROPERTY TAX BILL INCREASE FOR THIS IMPROVEMENT USING A COMMERCIAL SECURITY GUARD SERVICE MAY RANGE FROM \$450 TO \$500 THE FIRST YEAR, AND \$200 TO \$250 THE SECOND YEAR AND THEREAFTER.**

| OWNER'S NAME   | PROPERTY ADDRESS             | FOR     | AGAINST | DATE SIGNED |
|--|------------------------------|---------|---------|-------------|
| Print: MORISS JALISS<br>Sign: <i>Moriss Jaliss</i>   | 8547 MONTROSE ROAD<br>Folio: | ABSTAIN |         | 3/8/94      |
| Print: WILLIAM HEINIG<br>Sign: <i>William Heinig</i> | 8523 ARDOCK ROAD<br>Folio:   | YES     |         | 3/9/94      |
| Print:   | Folio:                       |         |         |             |
| Print:   | Folio:                       |         |         |             |
| Print:   | Folio:                       |         |         |             |
| Print:   | Folio:                       |         |         |             |

It is understood and agreed that the final district boundaries, facilities design, road construction, operation and administration of the district will be determined by the Dade County Public Works Department.

MEMORANDUM

TO: Armando Vidal, P.E.  
Director  
Public Works Department

DATE: December 1, 1993

FROM: Guillermo E. Gimmedillo, Director  
Planning Department

SUBJECT: Miami Lakes Section  
One Security Guard  
Special Taxing District

DISTRICT: No. 12

REVISED: June 10, 1994

Staff has reviewed the request for establishing a Security Guard Special Taxing District in the Miami Lakes Section area, and found the proposal to be consistent with the goals and objectives of the Adopted Comprehensive Development Master Plan. However, staff has concerns about the restriction of a public right-of-way related to life-safety issues and the provision of community services.

The life-safety concerns regarding neighborhood accessibility and potential increased travel time by the Police and Fire Departments responding to emergency calls has been addressed by Louis R. Rogers, Major, Miami Lakes District Commander, Metro-Dade Police Department in a letter dated May 24, 1994; and memo from Barbara Matthews, Planning Coordinator, Metro-Dade Fire Rescue dated April 8, 1994 (copies attached) and have been found to be acceptable. However the Fire Department further conditions its approval that contingent on a covenant being proffered by land owners, and running with the land, a second security guard will replace the barricade on Balgowan when the southeast portion of the security district is developed.

By agreement, upon creation of the security district, both the School District and Solid Waste Department will be notified whereby respective routes of each may be changed or modified.

GEO:PJL:mv(ee)

attachment

mv316pl

SUMMARY OF THE REPORT  
ON THE CREATION OF MIAMI LAKES SECTION ONE  
SECURITY GUARD SPECIAL TAXING DISTRICT  
DADE COUNTY, FLORIDA

A petition submitted to Dade County for the creation of a special taxing district to be known as "Miami Lakes Section One Security Guard Special Taxing District" was presented in accordance with the requirements of Article I, Chapter 18 of the Code of Metropolitan Dade County.

The proposed district is located entirely within a portion of unincorporated, Dade County, Florida, and its boundaries are set forth as follows:

Bounded on the North by N.W. 154th Street;  
Bounded on the South by Glencairn Terrace;  
Bounded on the East by Montrose Road;  
Bounded on the West by N.W. 87th Avenue.

The boundaries recommended are shown on the attached plan entitled "Miami Lakes Section One Security Guard Special Taxing District" and hereinafter referred to as Exhibit "A."

The service as specified by the petition will be a visible safety and sentinel security program, initially to consist of one unarmed uniformed guard per shift operating from a guardhouse proposed to be located on Balgowan Road, west of Montrose Road. In addition, Glenny Terrace and Balgowan Road south of Ardoch Road will be barricaded. The reconstruction of Balgowan Road, construction of the connection road and guardhouse, installation of card readers and gates, and barricading of Glenny Terrace and Balgowan Road south of Ardoch Road will be capital improvement items of this district. Service will be provided 24 hours per day, 365 days a year.

ESTIMATED ANNUAL COST

| <u>Item</u>  | <u>First Year</u> | <u>Second And<br/>Succeeding Years</u> |
|--|-------------------|--|
| Annual Cost of Service:  | \$ 96,000         | \$ 96,000                              |
| Capital Improvements   | 160,000           | -0-                                    |
| Engineering & Contract<br>Administrative Cost                    | 28,000            | 13,000                                 |
| Advertising, Printing, Mailing,<br>Election, and Collection Cost | 7,000             | 2,000                                  |
| Utilities & Maintenance Expenses                                 | 4,000             | 4,000                                  |
| Contingency Cost   | <u>\$ 36,000</u>  | <u>\$ 15,000</u>                       |
| Estimated Total District Cost                                    | \$331,000         | \$130,000                              |

SAMPLE ASSESSMENT

| <u>Item</u>   | <u>Amounts</u>    |  |
|---|-------------------|--|
|   | <u>First Year</u> | <u>Second And<br/>Succeeding Years</u> |
| Cost Per Developed Lot<br>assessed as 1 Unit              | \$ 519.62         | \$204.08                               |
| Cost Per Vacant/Underdeveloped<br>Lot assessed as .5 Unit | \$ 259.81         | \$102.04                               |

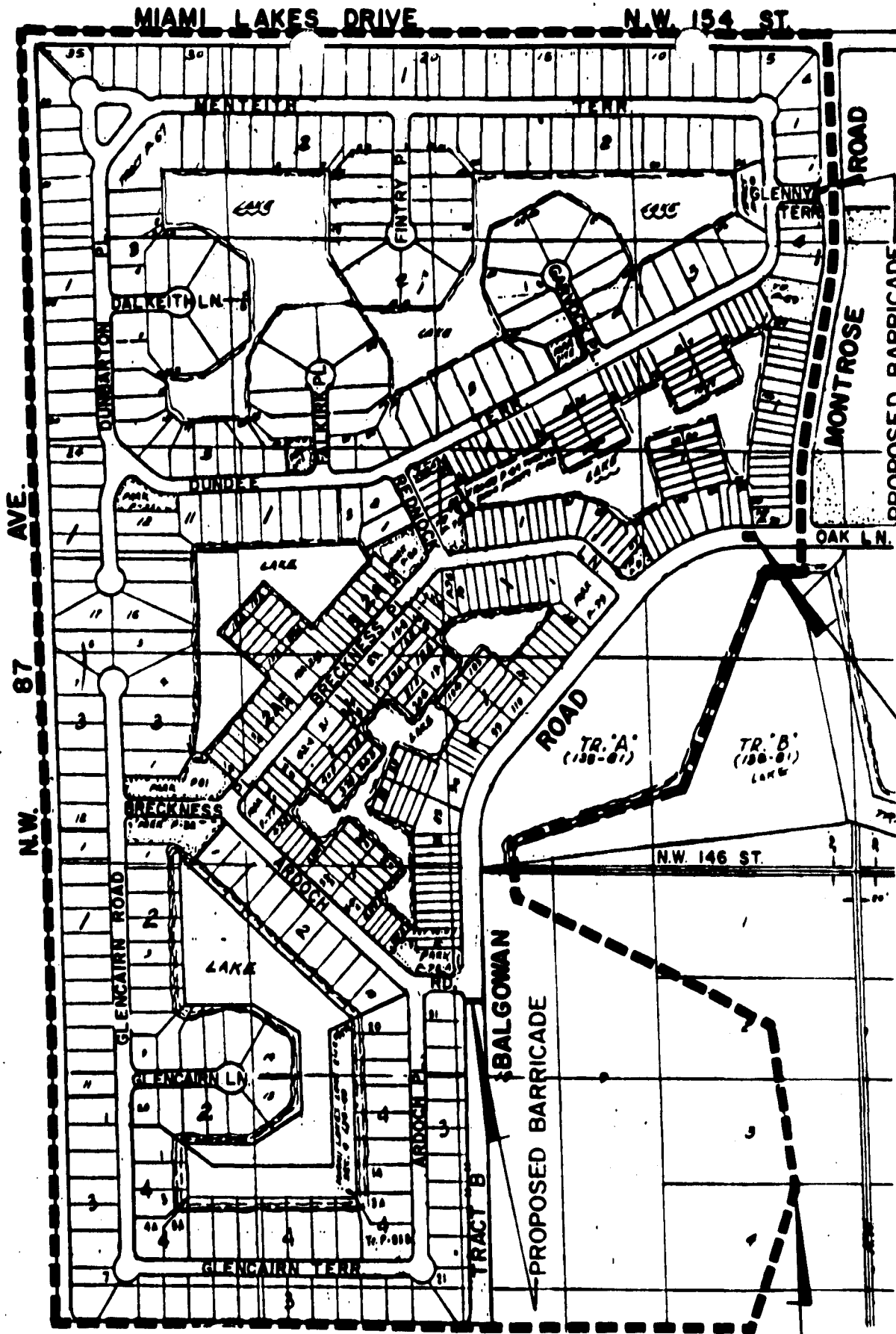
This improvement is required to be consistent with the intent and purpose of the adopted Comprehensive Development Master Plan of Dade County and will provide benefits to all property within the district at least equal to or exceeding the total amount of special assessments to be levied.

The creation of the district will be subject to the results of an election which will be conducted by the Dade County Elections Department in which a ballot will be sent by mail to each qualified registered elector living within the proposed boundaries.

The elector will, at that time, have the opportunity to vote for or against the improvement.

The results of this election will determine whether or not the district is created.

Attachment: Exhibit "A"



DISTRICT BOUNDARIES

**MIAMI LAKES SECTION ONE SECURITY GUARD  
SPECIAL TAXING DISTRICT**

SECTION 22-52-40

EXHIBIT "A"

17

Scale: N.T.S.

29

STATE OF FLORIDA )  
 ) SS:  
 )

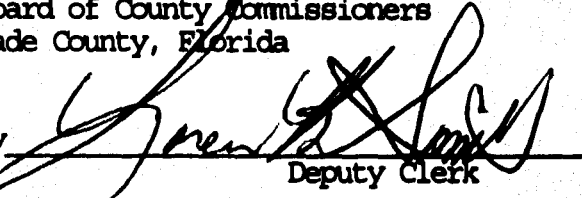
I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above foregoing is a true and correct

COPY OF ORDINANCE 94-233 PASSED AND ADOPTED DECEMBER 13, 1994

\_\_\_\_\_ as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on  
this 04 day of APRIL, A.D. 19 95.

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

By   
Deputy Clerk



Board of County Commissioners  
Dade County, Florida