

RESOLUTION NO. 03-133

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, OPPOSING THE ANNEXATION APPLICATION SUBMITTED BY THE CITY OF HIALEAH TO ANNEX AN AREA ADJACENT TO THE TOWN; REQUESTING THE BOARD OF COUNTY COMMISSIONERS AND THE PLANNING ADVISORY BOARD TO DENY THE APPLICATION BASED UPON THE LACK OF THE APPLICANT TO SUBMIT CRITICAL LEGALLY REQUIRED INFORMATION IN ORDER FOR THE AFFECTED PARTIES, THE COUNTY COMMISSION AND THE PLANNING ADVISORY BOARD TO PROPERLY EVALUATE THE IMPACT OF THE ANNEXATION ON SURROUNDING AREAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah (the “ City”) has filed an application with Miami-Dade County initiating the annexation of three square miles of land (the “ Annexation Area”); and

WHEREAS, the proposed Annexation Area is located west of I-75 and shares its entire western boundary with the Town of Miami Lakes (the “ Town”) starting at Northwest 138th Street northward to Northwest 170th Street; and

WHEREAS, the proposed Annexation Area is largely undeveloped and the future development of the Area will have significant impacts on the 24,000 residents of the Town; and

WHEREAS, existing development in surrounding areas has already started to negatively affected the Town’ s quality of life by placing constraints on the Town’ s infrastructure, specifically traffic congestion, school overcrowding, park usage, and other quality of life issues have been impacted; and

WHEREAS, the Town has strong concerns about the potential harmful effects on the Town’ s quality of life and the Town’ s financial condition from the strain on the Town’ s

infrastructure from any development of the Annexation Area; and

WHEREAS, Section 20-3(E) of the Miami-Dade County Code (the “ Code”) requires a City initiating an annexation to obtain the consent of affected municipalities by resolution and to submit the same with the application and the City has not obtained the Town’ s consent as required by Section 20-3(E) of the Code; and

WHEREAS, Section 20-3(F)(1) of the Code requires a City initiating an annexation to present a general land use plan and a map showing the proposed zoning for the area which will be enacted if the area is annexed and the City has not submitted a zoning map indicating the zoning that will be enacted for the annexed area as required by Section 20-3(F)(1) of the Code; and

WHEREAS, Section 20-3(F)(2) of the Code requires a City initiating an annexation to address the service levels for the annexed area based upon the “ land use plan and zoning for the area;” and the City has not submitted service level information conforming to a “ land use plan and zoning for the area” as no plan was submitted with the application as required by the Code; and

WHEREAS, Section 20-3(B) of the Code requires a City initiating an annexation to provide a map or survey sketch accurately showing the existing boundaries of the affected municipalities and indicating the relation of the area involved to the existing municipal boundaries; and the City has not submitted a map or survey sketch providing all of this information as required by the Code; and

WHEREAS, the submission of the materials listed above as required by Section 20-3 of the Code is mandatory and the omission of such crucial information cannot be waived by County staff, the Boundaries Commission or the Planning Advisory Board (the “ Board”); and

WHEREAS, the City' s Application, by failing to address this critical information does not adequately address the concerns of the Town regarding infrastructure, compatibility, police and fire protection; and

WHEREAS, the City has not provided to date any assurances that adequate protections will be put in place in order to protect the quality of life of the Town and its residents and the omitted information relating to the proposed future use and zoning and associated services levels for the Annexation Area is critical in order for any affected parties, including the Town, the Board or the County Commission, to evaluate the Application specifically because the area is largely undeveloped and future development of the area will impact the Town ; and

WHEREAS, procedural due process requires all affected parties the opportunity to be heard and have meaningful input in the process and without the submittal of all required information it is impossible to have meaningful, educated, informed and constructive input on the Application by the Town and any of the affected parties; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Denial. The Town of Miami Lakes Town Council requests the Planning Advisory Board and the County Commission to either deny the Application until such time as the City of Hialeah has addressed the critical future development issues and all affected parties, including the Town, the Planning Advisory Board and the County Commission have had an opportunity to review and provide input on the revised Application, or to deny the Application as currently submitted.

Section 3. Authorization of Town Officials. The Town's officials and staff are authorized to send copies of this Resolution to all appropriate County officials, Boards and staff.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 2nd day of May, 2003

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Beatris M. Arguells
Beatris M. Arguells, CMC
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

Roberto Alonso
TOWN ATTORNEY

Thomson/Collins
Council voted 6-0 as follows:
Mayor Wayne Slaton Yes
Vice Mayor Roberto Alonso Yes
Councilmember Mary Collins Yes
Councilmember Robert Meador Abs
Councilmember Michael Pizzi Yes
Councilmember Nancy Simon Yes
Councilmember Peter Thomson Yes