RESOLUTION NO. 26-2168

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE A COVENANT WITH GT HOMES MIAMI LAKES, LP; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL OF RESOLUTION; PROVIDING FOR AUTHORITY; PROVIDING FOR EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, GT Homes Miami Lakes LP (the "Covenantor") is the fee owner of certain real property located at the southeast corner of NW 87 Avenue and NW 162 Street, Miami Lakes, Florida, identified by Folio Nos. 32-2015-046-0010 through 0160 and 32-2015-047-0010 through 0170 (the property); and

WHEREAS, the Covenantor has requested permission from the Town of Miami Lakes, Florida (the town) to construct and maintain certain non-standard improvements within the public right-of-way on NW 160 Terrace, NW 85 Avenue, and NW 162 Street, specifically defined in Exhibit c adjacent to the Property (the improvements); and

WHEREAS, the non-standard improvements are described as irrigation systems and landscape features, as set forth in Exhibit b to the Covenant; and

WHEREAS, the Town has required the Covenantor to execute and deliver a covenant running with the land as a condition precedent to granting permission to construct and maintain the Improvements within the public right-of-way; and

WHEREAS, the Covenant provides, among other things, that the Covenantor shall, at no cost to the Town, remove the Improvements and restore the right-of-way area to the same or better condition that existed prior to installation, whenever requested by the Town's Director of the Department of Public Works upon thirty (30) days' written notice; and

WHEREAS, the Covenant further provides that if the Covenantor fails to remove the Improvements when requested, the Town may cause the Improvements to be removed and the right-of-way restored at the Covenantor's expense, and such costs may be established as a lien on the Property; and

WHEREAS, the Covenant requires the Covenantor to maintain the Improvements in accordance with the Town's standards and specifications and to indemnify, defend, and hold harmless the Town, its officers, and employees from claims and liabilities arising out of the acceptance of the Covenant and/or the use, construction, maintenance, and/or removal of the Improvements; and

WHEREAS the Covenant requires the Covenantor to maintain commercial general liability insurance meeting specified minimum limits and conditions, including listing the Town as an additional insured, and provides that the insurance and the Covenant are subject to approval by the Town Manager and the Town Attorney; and

WHEREAS, the Covenant provides that the permission granted is a personal privilege and not a lease, that the Town retains dominion, possession, and control of the public right-of-way, and that any amendment to the agreement requires approval and consent by the Town's Mayor and Town Council; and

WHEREAS, the applicant has proffered to assist the Town with the establishment of a dormant Special Taxing District, to serve as the owner and operator of the Covenant's improvements in the event the applicant or their assignees fail or unable to maintain the Covenant's improvement; and

WHEREAS, during the March 17, 2026, the Town Council considered the covenant; and

WHEREAS, Councilman Herzberg provided the following amendment, which was subsequently seconded and passed unanimously:

1. Authority for the Town Manager and Town Attorney to work with the applicant to submit a joint application to Miami-Dade County for a dormant special taxing district, to maintain and operate the covenant's improvements in the event that the applicant or their assigns are unable or unwilling to operate and maintain the covenant's improvements to the Town's standards.
2. Authority for the Town Attorney to negotiate and finalize the covenant in substantially the same format and with similar terms as those presented at the Town Council meeting and attached hereto.

3. Instructing the building department to withhold the granting of any certificate of occupancy for any residential dwelling on the applicant's site until proof is provided that the application for a dormant special taxing district has been submitted to Miami-Dade County; and

WHEREAS, Section 18-2 of the Code of Miami-Dade County allows for the creation and establishment of special taxing districts within incorporated areas for the purpose of public improvements as set forth in that section; and

WHEREAS, Section 18-2 requires the approval of the Town when the special taxing district falls within the City's boundaries; and

WHEREAS, Section 18-2 provides for the procedure for creating special taxing districts for the purpose of landscape maintenance and any other applicable improvements within subdivisions within the Town; and

WHEREAS, the Town supports the creation of a dormant special taxing district which shall be established by the County Commission over the lands to be included within the property encumbered by the Covenant to act as a failsafe to ensure the continuation of the obligations of the Covenant in the event the Association fails; and

WHEREAS, the Mayor and Town Council find's that this Resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, as follows:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated into this Resolution by reference as if fully set forth herein.

Section 2. Approval of Covenant Running With the Land. The Mayor and Town Council hereby approve the Covenant Running With the Land (covenant) between GT Homes Miami Lakes LP and the Town of Miami Lakes, Florida, concerning the construction and maintenance of non-standard improvements within the public right-of-way adjacent to the Property, in substantially the form presented to the Mayor and Town Council, including its exhibits. The Town Manager, in coordination with the Town Attorney, shall have the right to execute any amendments, documents, revisions, necessary to effectuate this Resolution.

Section 2. Support for Dormant Special Taxing District. In accordance with Section 18-2 of the Code of Miami-Dade County, the Town hereby approves and supports the creation of the Dormant Special Taxing District, which shall remain dormant unless determined by the County Commission to be needed to adequately maintain the Covenant's Improvements.

Section 3. Dormant Special Taxing District. GT Homes Miami Lakes LP shall work in concert with the Town of Miami Lakes to obtain the approval and creation of a dormant Special Taxing District to serve as the owner and operator of the Covenants Improvements, in the event of GT Homes Miami Lakes LP, or their assigns failure or inability to adequately maintain the Covenant's Improvements.

Section 4. Authorization to Execute and Implement. The Town Manager is hereby authorized to execute the Covenant on behalf of the Town, and to take any and all administrative actions reasonably necessary to implement this Resolution and the Covenant, including coordinating review and approval as contemplated by the Covenant.

Section 5. Budgeted Funds; Administrative and Recording Actions. The Mayor and Town Council hereby authorize the expenditure of budgeted funds, if any, as may be necessary and appropriate for administrative processing, review, and recording of the Covenant and related documents, consistent with applicable Town purchasing and financial policies.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

*****THIS PORTION HAS BEEN LEFT PURPOSEFULLY BLANK*****

PASSED AND ADOPTED this 17TH day of March 2026.

The foregoing resolution was offered by Vice Mayor Morera who moved its adoption. The motion was seconded by Councilmember Herzberg and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Absent
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

~~Joshua Dieguez~~ Bryan Morera
~~MAYOR~~ Vice Mayor

Attest:

Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez Mestre and Cobiella, PLLC
DEPUTY TOWN ATTORNEY