

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute
Agenda Item No. 5 (A)
3-17-98

ORDINANCE NO. 98-35

ORDINANCE GRANTING PETITION OF BEACON TRADEPORT ASSOCIATES LIMITED PARTNERSHIP AND DOLPHIN MALL ASSOCIATES LIMITED PARTNERSHIP FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING BEACON TRADEPORT COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, INCLUSION IN 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 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, Beacon Tradeport Associates Limited Partnership, a Delaware limited partnership, and Dolphin Mall Associates Limited Partnership, a Delaware limited partnership, (collectively, "Petitioner") have petitioned Miami-Dade County to grant the establishment of the Beacon Tradeport 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 and the Amended 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, 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 and Amended Petition to establish the Beacon Tradeport Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by Beacon Tradeport Associates Limited Partnership, a Delaware limited partnership, and Dolphin Mall Associates Limited Partnership, a Delaware limited partnership, on January 22, 1998 and as amended on March 16, 1998, and which Original Petition and Amended Petition are on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Amended Petition, attached as Appendix "A", is set forth in its entirety and incorporated herein.

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B".

Section 4. The initial members of the Board of Supervisors shall be as follows:

Sid Atzmon
Michael Swerdlow Companies, Inc.
Venture Corporate Center
200 South Park Road
Suite 200
Hollywood, Florida 33021

Ford Gibson
Codina Development Corporation
2 Alhambra Plaza, PH II
Coral Gables, Florida 33134

Vincent A. Bonner
Michael Swerdlow Companies, Inc.
Venture Corporate Center
200 South Park Road
Suite 200
Hollywood, Florida 33021

Brian Kiely
Michael Swerdlow Companies, Inc.
Venture Corporate Center
200 South Park Road
Suite 200
Hollywood, Florida 33021

Jeff Williamson
Codina Development Corporation
2 Alhambra Plaza, PH II
Coral Gables, Florida 33134

Section 5. The name of the District shall be the "Beacon Tradeport Community Development District".

Section 6. The Beacon Tradeport 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 Beacon Tradeport 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 Beacon Tradeport 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 Beacon Tradeport Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(d) and (f), (except for powers regarding waste disposal or regarding collection of any waste other than commercial or industrial), 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.

Section 10. All bonds issued by the Beacon Tradeport 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 Beacon Tradeport 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 Beacon Tradeport 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, 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 Beacon Tradeport 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. 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 15. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida.

Section 16. 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. It is provided, however, that this ordinance shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 hereof, have having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, the District shall not apply for or use grants or loans of money or other property from the United States, the

State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developer/s, their affiliates and/or lenders in connection with the Beacon Tradeport Development of Regional Impact, approved by Resolution No. Z-33-97, as it may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such application/s;

(b) The Miami-Dade Water and Sewer Authority Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Beacon Tradeport Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Beacon Tradeport Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Beacon Tradeport Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that

maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Beacon Tradeport Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.¹

(e) The Beacon Tradeport Community Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) The Beacon Tradeport Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 17. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: March 17, 1998

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

JAC

Sponsored by Dr. Miriam Alonso

INDUSTRIAL AREA

LEGAL DESCRIPTION:

All of that portion lying North of the North Line, of the South 285.00 feet, of the North 1/2, of the following described Parcel:

The West 3/5 of Section 31, Township 53 South, Range 40 East, lying and being in Dade County, Florida, included within this description is Tract "A", RE-PLAT OF PEARSON AGRICULTURAL HOMESTEADS, according to the Plat thereof, as recorded in Plat Book 66, Page 49, of the Public Records of Dade County, Florida;

LESS

The East 35.00 feet of the South 1/4 of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida, and the East 35 feet of the South 35 feet of the North 1/2 of the South 1/2 of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida;

AND LESS

The South 80.00 feet of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida, LESS the East 35.00 feet thereof;

AND LESS

The area bounded by the North line of the South 80.00 feet of said Section 31, and bounded by the West line of the East 35.00 feet of the West 3/5 of said Section 31, and bounded by a 25.00 foot radius arc concave to the Northwest' said arc being tangent to both of the last described lines;

AND LESS

That portion of the West 3/5 of Section 31, Township 53 South, Range 40 East, being in Dade County, Florida, lying within the following described boundaries, to-wit; Begin at the Northwest corner of said Section 31, which bears N 89deg 33min 41sec E (bearing derived from the Florida State System of Plane Coordinates) 2642.08 feet from the Northwest corner of the N.E. 1/4 of Section 36, Township 53 South, Range 39 East; thence run N89deg 37min 28secE (N89deg36min49secE DEED), along the Northerly boundary of said Section 31, for a distance of 75.02 feet to a point; thence run S01deg44min10secE (S01deg44min29secE DEED) for a distance of 398.23 feet to a point; thence run S88deg 15min 50secW (S88deg 15min 31secW DEED) for a distance of 75.00 feet to a point of intersection with the Westerly boundary of said Section 31; thence run N01deg 44min 10secW (N01deg 44min 29secW DEED), along the Westerly boundary of said Section 31, for a distance of 400.00 feet to the Northwest corner of said Section 31, said point also being the Point of Beginning,

AND LESS

Road and Canal Right-of-Way for N.W. 25th Street as shown on RE-PLAT OF PEARSON AGRICULTURAL HOMESTEADS, recorded in Plat Book 66, Page 49, of the Public Records of Dade County, Florida.

LEGAL DESCRIPTION:

The West 3/5 of Section 31, Township 53 South, Range 40 East, lying and being in Dade County, Florida, included within this description is Tract "A", RE-PLAT OF PEARSON AGRICULTURAL HOMESTEADS, according to the Plat thereof, as recorded in Plat Book 66, Page 49, of the Public Records of Dade County, Florida;

LESS

The East 35.00 feet of the South 1/4 of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida, and the East 35 feet of the South 35 feet of the North 1/2 of the South 1/2 of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida;

AND LESS

The South 80.00 feet of the West 3/5 of Section 31, Township 53 South, Range 40 East, Dade County, Florida, LESS the East 35.00 feet thereof;

AND LESS

The area bounded by the North line of the South 80.00 feet of said Section 31, and bounded by the West line of the East 35.00 feet of the West 3/5 of said Section 31, and bounded by a 25.00 foot radius arc concave to the Northwest' said arc being tangent to both of the last described lines;

AND LESS

That portion of the West 3/5 of Section 31, Township 53 South, Range 40 East, being in Dade County, Florida, lying within the following described boundaries, to-wit; Begin at the Northwest corner of said Section 31, which bears N 89deg 33min 41sec E (bearing derived from the Florida State System of Plane Coordinates) 2642.08 feet from the Northwest corner of the N.E. 1/4 of Section 36, Township 53 South, Range 39 East; thence run N89deg 37min 28secE (N89deg36min49secE DEED), along the Northerly boundary of said Section 31, for a distance of 75.02 feet to a point; thence run S01deg44min10secE (S01deg44min29secE DEED) for a distance of 398.23 feet to a point; thence run S88deg 15min 50secW (S88deg 15min 31secW DEED) for a distance of 75.00 feet to a point of intersection with the Westerly boundary of said Section 31; thence run N01deg 44min 10secW (N01deg 44min 29secW DEED), along the Westerly boundary of said Section 31, for a distance of 400.00 feet to the Northwest corner of said Section 31, said point also being the Point of Beginning.

AND LESS

Road and Canal Right-of-Way for N.W. 25th Street as shown on RE-PLAT OF PEARSON AGRICULTURAL HOMESTEADS, recorded in Plat Book 66, Page 49, of the Public Records of Dade County, Florida.

AND LESS

All of that portion lying North of the North line of the South 285.00 feet of the N 1/2 of the West 3/5 of Section 31-53-40, Dade County, Florida.

LESS THE FOLLOWING DESCRIBED PARCELS:

LESS-OUT PART "A"

A Portion of the West 3/5, of the South 1/2, of Section 31, Township 53 South, Range 40 East, Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest Corner of said Section 31, thence N01deg 44min 10sec W along the West Line of said Section 31 for a distance of 1669.54 feet to the point of intersection with a non-tangent circular curve, said point bears S 66deg 23min 27sec W from the center of the curve; thence Southeasterly along the arc of said circular curve to the left, concave to the Northeast, having a Radius of 1480.00 feet and a central angle of 58deg 28min 12sec, for an arc distance of 1510.33 feet to the point of tangency, thence S 82deg 04min 45sec E for a distance of 592.20 feet to the POINT OF BEGINNING of the Parcel of Land hereinafter to be described; thence continue S 82deg 04min 45sec E for a distance of 1437.44 feet to the point of intersection with the West Right of Way Line of N.W. 111th Avenue (as per Right of Way Deed, Recorded in Official Records Book 13114, at Page 1063, of the Public Records of Dade County, Florida); thence S 01deg 43min 40sec E along said West Right of Way Line for a distance of 394.50 feet to the point of a circular curve, being concave to the Northwest and having a Radius of 25.00 feet; thence Southwesterly along the arc of said curve to the right, through a central angle of 91deg 25min 51sec, for an arc distance of 39.89 feet to the point of intersection with the North Right of Way Line of N.W. 12th Street (as per Right of Way Deed, Recorded in Official Records Book 14415, at Page 420, of the Public Records of Dade County, Florida); thence S 89deg 42min 12sec W along said North Right of Way Line for a distance 466.24 feet; thence S 89deg 42min 26sec W for a distance of 825.66 feet; thence N 46deg 00min 42sec W for a distance of 143.18 feet; thence N 01deg 43min 50sec W for a distance of 525.59 feet to the POINT OF BEGINNING.

LESS the East 10 feet thereof and LESS that external area formed by a 25.00 foot radius curve, concave to the Northwest, and tangent to the West line of the East 45.00 feet of the West 3/5, of the South 1/2 of said Section 31, and tangent to the North line of the South 80.00 feet of the West 3/5 of the South 1/2 of said Section 31, for Right-of-Way Dedication.

LESS-OUT PARCEL B

A Portion of the West 3/5, of the South 1/2, of Section 31, Township 53 South, Range 40 East, Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest Corner of said Section 31, thence N01deg 44min 10secW along the West Line of said Section 31 for a distance of 80.03 feet to the point of intersection with the North Right-of-Way Line of N.W. 12th Street (as per Right of Way Deed, recorded in Official Records Book 14415, at Page 420 of the Public Records of Dade County, Florida) said point also being the POINT OF BEGINNING of the Parcel of Land hereinafter to be described: thence continue N01deg 44min 10secW along said Section Line for a distance of 1589.52 feet to the point of intersection with a non-tangent circular curve, said point bears S 66deg 23min 27secW from the center of the curve; thence Southeasterly along the arc of said circular curve to the left, concave to the Northeast, having a Radius of 1480.00 feet and a central angle of 58deg 28min 12sec for an arc distance of 1510.33 feet to a point of tangency: thence S82deg 04min 45secE for a distance of 465.41 feet; thence S01deg 43min 50secE for a distance of 543.70 feet; thence S43deg 59min 18secW for a distance of 139.64 feet to the point of intersection with the North Right-of-Way Line of N.W. 12th Street (as per Right of Way Deed, recorded in Official Records Book 14415, at Page 420, of the Public Records of Dade County, Florida); thence S89deg 42min 26secW along said North Right-of-Way Line for a distance of 1484.44 feet to the POINT OF BEGINNING.
LESS the West 70.00 feet thereof and LESS that external area formed by a 25 foot radius arc concave to the Northeast, tangent to the East line of the West 70.00 feet thereof, and tangent to said North Right-of-Way line of N.W. 12th Street.

EXHIBIT B

PROJECT
LOCATION.

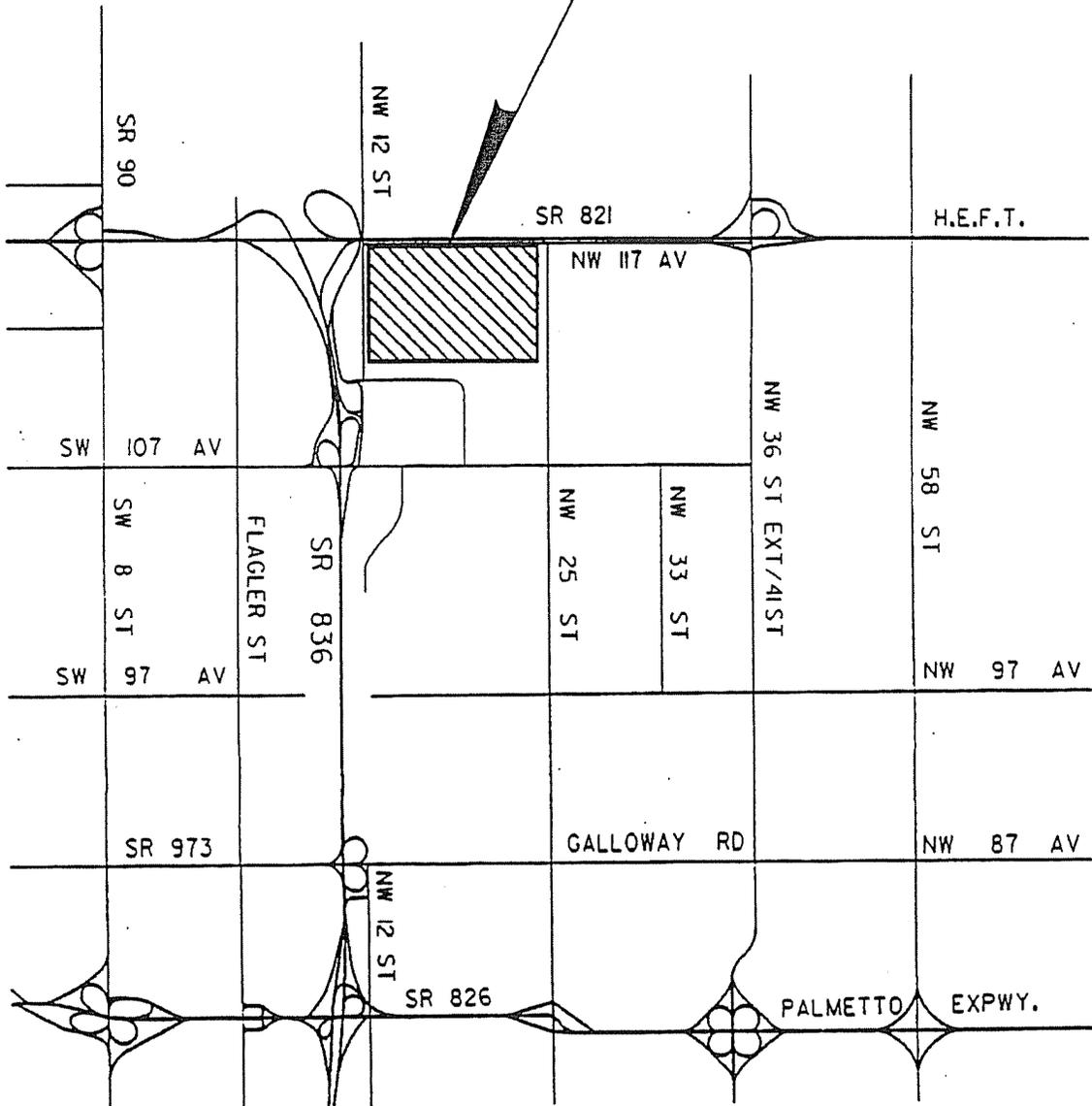


EXHIBIT B

