



# MEMORANDUM

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

Agenda Item No. 4(G)

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

(Public Hearing 7-27-04)  
**DATE:** June 22, 2004

**FROM:** George M. Burgess  
County Manager

**SUBJECT:** Ordinance Creating the  
Kendall Breeze West  
Community Development  
District

04 144

## RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Kendall Breeze West 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

Century Homebuilders, L.L.C., a Florida Limited Liability Company, owner of the Kendall Breeze West Development, has filed an application to create the Kendall Breeze West CDD in connection with said development. Kendall Breeze West is a 28.13 acre residential development lying wholly within unincorporated Miami-Dade County, in the area bounded by S.W. 137<sup>th</sup> Avenue on the east, theoretical S. W. 138<sup>th</sup> Court on the west, theoretical S.W. 119<sup>th</sup> Street on the south and theoretical S.W. 113<sup>th</sup> Terrace 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 Kendall Breeze West Development. The development plans for the lands within the proposed CDD include construction of 208 townhouse units with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$2.334 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 Century Homebuilders, L.L.C. In accordance with Florida Statute 190, Century Homebuilders, L.L.C., 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.

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's roadways are all private, and will be maintained by a Homeowners Association (HOA) or the CDD. A special taxing district shall be created to maintain this development's infrastructure such as roadways, storm drainage, and landscape should the HOA or CDD be dissolved or fail to fulfill their maintenance obligations. This special taxing district will remain dormant until such time as Miami-Dade County determines that the HOH or CDD is not performing.

### **FISCAL IMPACT**

The creation of the Kendall Breeze West Community Development District will have no fiscal impact on Miami-Dade County other than normal maintenance of the water and sewer facilities dedicated to the County.

  
Assistant County Manager



# MEMORANDUM

04 144

(Revised)

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

**DATE:** July 27, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 4(G)

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

Agenda Item No. 4(G)  
7-27-04

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 04 144

ORDINANCE GRANTING PETITION OF CENTURY HOMEBUILDERS, L.L.C, A FLORIDA LIMITED LIABILITY COMPANY ("CENTURY HOMEBUILDERS" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; 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**, Century Homebuilders, L.L.C., a Florida Limited Liability Company ("Century Homebuilders" or "Petitioner") has petitioned for the establishment of the Kendall Breeze West 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 parcels 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 Kendall Breeze West Community Development District over the real property described in Exhibit A attached hereto, which was filed by Century Homebuilders, L.L.C., a Florida Limited Liability Company, on April 8, 2004, 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:

Cesareo E. Llano

Brandon Immerman

Thomas Iglesias, Sr.

Keyla Alba – Reilly

Renaldo Sanchez

Section 5. The name of the District shall be the “Kendall Breeze West Community Development District.”

Section 6. The Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 Kendall Breeze West 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 as proffered by the owners of the lands within the jurisdiction of the Kendall Breeze West Community Development District, in connection with the petition submitted by Century Homebuilders, L.L.C., a Florida Limited Liability Company 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: JUL 27 2004

Approved by County Attorney as  
to form and legal sufficiency:

RAG  
\_\_\_\_\_  
gth  
\_\_\_\_\_

Prepared by:

Gerald T. Heffernan



**EXHIBIT A**  
**METES AND BOUNDS LEGAL DESCRIPTION**  
**KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT**

A portion of the Southeast 1/4 of Section 10, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence run South 86°34'39" West along the South line of said Section 10 for a distance of 687.96 feet to a point; thence run North 02°24'00" West for a distance of 392.28 feet to the Point of Beginning of a parcel of land hereinafter described; thence run South 87°36'00" West for a distance of 200.00 feet to a point; thence run North 02°24'00" West for a distance of 187.16 feet to a point; thence run North 51°03'28" East for a distance of 248.94 feet to a point; thence run North 02°24'00" West for a distance of 838.79 feet to a point; thence South 87°36'00" West for a distance of 151.97 feet to a point; thence North 02°23'37" West for a distance of 624.83 feet to a point on the South Line of Tract "A", WILLOW WALK, according to the plat thereof as recorded in Plat Book 131 at Page 7 of the Public Records of Miami-Dade County, Florida; thence run North 87°06'24" East along the South line of said Tract "A" and Tract "B" of CALUSA CROSSING according to the plat thereof as recorded in Plat Book 129 at Page 85 of the Public Records of Miami-Dade County, Florida, for a distance of 749.79 feet to the Southeast corner of said Tract "B" of CALUSA CROSSING; thence run South 02°24'00" East along a line that lies 90.00 feet West of and parallel with the East line of the Southeast 1/4 of said Section 10 for a distance of 1805.45 feet to a point; thence run South 87°36'00" West for a distance of 597.86 feet to the Point of Beginning; containing 28.126 acres more or less. Said described parcel of land lying and being situated in Miami-Dade County, Florida.

LESS:

A portion of the Southeast 1/4 of Section 10, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence run South 86°34'39" West along the South line of said Section 10 for a distance of 687.96 feet to a point; thence run North 02°24'00" West for a distance of 392.28 feet to a point; thence run South 87°36'00" West for a distance of 200.00 feet to a point; thence run North 02°24'00" West for a distance of 187.16 feet to a point; thence run North 51°03'28" East for a distance of 248.94 feet to a point; thence run North 02°24'00" West for a distance of 838.79 feet to a point; thence South 87°36'00" West for a distance of 151.97 feet to a point; thence North 02°23'37" West for a distance of 241.06 feet to the Point of Beginning of a parcel of land hereinafter described; thence continue North 02°23'37" West for a distance of 383.77 feet to a point on the South Line of Tract "A", WILLOW WALK, according to the plat thereof as recorded in Plat Book 131 at Page 7 of the Public Records of Miami-Dade County, Florida; thence run North 87°06'24" East along the South line of said Tract "A", for a distance of 289.21 feet to a point; thence run South 02°23'37" East for a distance of 245.67 feet to a point; thence run South 87°06'24" West for a distance of 128.31 feet to a point; thence run South 72°30'30" West for a distance of 50.67 feet to a point; thence run South 51°51'23" West for a distance of 61.64 feet to a point; thence run South 72°33'15" West for a distance of 33.67 feet to a point; thence run South 12°27'00" West for a distance of 81.80 feet to a point; thence run South 71°14'08" West for a distance of 8.83 feet to the Point of Beginning; containing 1.784 acres more or less. Said described parcel of land lying and being situated in Miami-Dade County, Florida.



# **PETITION FOR ORDINANCE**

FOR

# **KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT**

**APRIL 8, 2004**

Prepared by  
**Special District Services, Inc.**  
11000 Prosperity Farms Road, Suite 104  
Palm Beach Gardens, Florida 33410

561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile



IN RE: AN ORDINANCE TO ESTABLISH )  
 THE KENDALL BREEZE WEST )  
 COMMUNITY DEVELOPMENT DISTRICT )

**PETITION**

Petitioner, Century Homebuilders, L.L.C., ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 28.13 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the external boundaries of the proposed District, which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District.

3. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

|                      |                                    |                        |
|----------------------|------------------------------------|------------------------|
| Cesareo E. Llano     | 743 Sistina Avenue                 | Coral Gables, FL 33146 |
| Brandon Immerman     | 12474 S.W. 121 <sup>st</sup> Lane  | Miami, FL 33186        |
| Thomas Iglesias, Sr. | 12351 S.W. 75 <sup>th</sup> Street | Miami, FL 33183        |
| Keyla Alba-Reilly    | 5490 N.W. 113 <sup>th</sup> Court  | Miami, FL 33178        |
| Renaldo Sanchez      | 10400 SW 19 <sup>th</sup> Street   | Miami, FL 33165        |

4. The proposed name of the District to be established is Kendall Breeze West Community Development District ("KBWCDD").

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site.

6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. These are good faith estimates but are not binding on the Petitioner or the District and are subject to change.

7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are 208 Townhouses. The



proposed use for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private use of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. Exhibit 7 is a map of the District boundaries.

10. The District is seeking and hereby requests the right to exercise all powers provided for in section 190.06 through 190.041, Florida Statutes including the special powers provided by section 190.012(1) and sections 190.012(2)(a) and (d), and section 190.012(3).

11. The Petitioner is Century Homebuilders, L.L.C. whose address is 7270 N.W. 12<sup>th</sup> Street, Suite 410, Miami, FL 33126.

12. The property within the proposed District is amenable to operating as an independent special district for the following reasons:

a. Establishment of the District and all land use and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

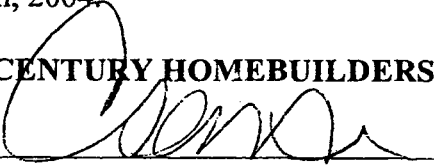
**WHEREFORE**, Petitioner respectfully requests the Miami-Dade County Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the Kendall Breeze West Community Development District and;

a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the Kendall Breeze West Community Development District.

Respectfully submitted this 18th day of March, 2004.

**CENTURY HOMEBUILDERS, L.L.C.**

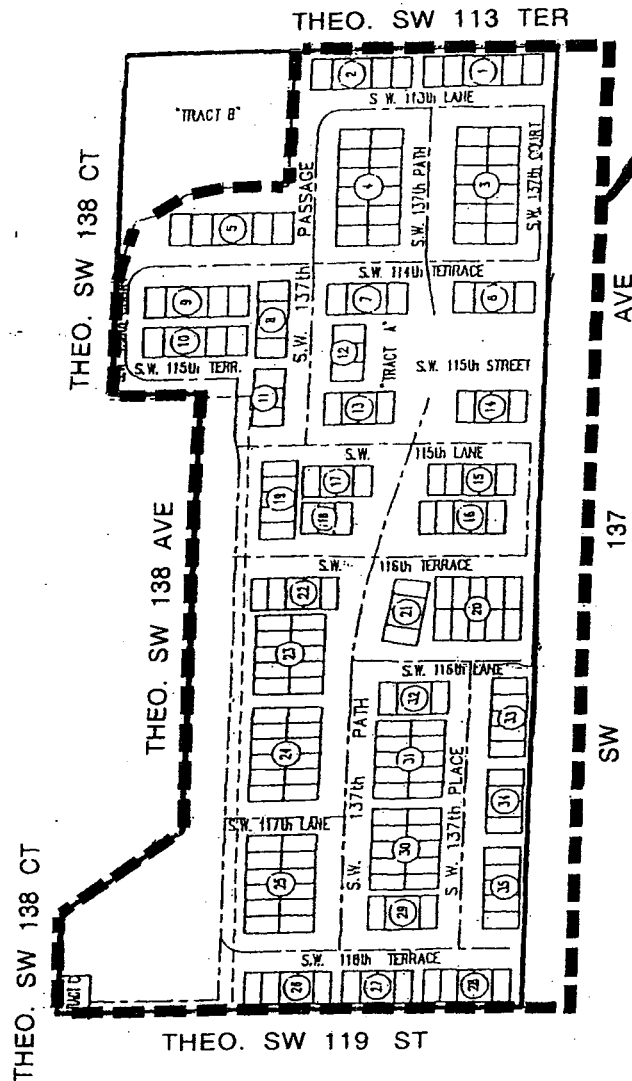
  
By: Cesareo E. Llano, Vice President  
7270 N.W. 12<sup>th</sup> Street, Suite 410  
Miami, FL 33126



**EXHIBITS**  
**KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT**

- |            |   |
|------------|---|
| Exhibit 1  | General Location of Project                               |
| Exhibit 2  | Metes and Bounds Legal Description                        |
| Exhibit 3  | Affidavit of Ownership and Consent to the Creation of CDD |
| Exhibit 4A | Estimated Infrastructure Construction Time Table          |
| Exhibit 4B | Construction Cost Estimates                               |
| Exhibit 5  | Public & Private Use Map                                  |
| Exhibit 6  | Statement of Estimated Regulatory Costs                   |
| Exhibit 7  | District Boundaries Map                                   |

# DISTRICT BOUNDARIES



## KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT

16

EXHIBIT "C"

(COMM. 0011)

SECTION: 10-55-39



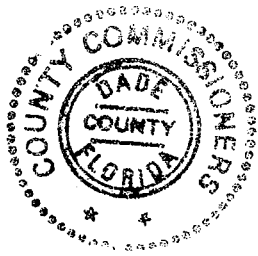
STATE OF FLORIDA                    )  
  )  
COUNTY OF MIAMI-DADE            )

SS:

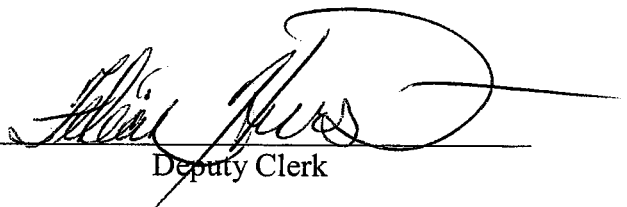
I, **HARVEY RUVIN**, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Ordinance No. 04-144, adopted by said board of County Commissioners at its meeting held on July 27, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 10th day of August A.D. 2004.

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



SEAL

By   
Deputy Clerk

Board of County Commissioners  
Miami-Dade County, Florida