



MEMORANDUM

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

Agenda Item No. 4(H)

(Public Hearing 7-27-04)

DATE: June 22, 2004

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

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance Creating the
Keys Cove Community
Development District

04 145

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Keys Cove Community Development District (CDD) in the City of Homestead, 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. The City of Homestead has approved the creation of the Keys Cove Community Development District (CDD) by Resolution No. R2004-05-45.

BACKGROUND

Shoma Homes at Keys Gate Inc., owners of the Keys Cove Development, have filed an application to create the Keys Cove Community Development District (CDD) in connection with said development. Keys Cove Community Development District (CDD) is a proposed 72.41 acre mixed residential development lying wholly within the City of Homestead, in an area bounded by S.W. 162nd Avenue on the east, theoretical S.W. 350th Terrace on the south, Valencia Gardens Drive (S.E. 13th Avenue) on the west and S.W. 344th Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure, facilities and services, along with certain ongoing operations and maintenance for the Keys Cove Community Development District (CDD). The development plan for the lands within the proposed CDD include construction of 398 villas and 576 courtyard residential units, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$7.656 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 Shoma Homes at Keys Gate Inc. In accordance with Florida Statute 190, the petitioners have 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.


1 145 Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners
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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 includes a mixture of public and private roads, all to be maintained by the CDD. With the City's approval a special taxing district may be created to maintain this development's infrastructure such as private roadways, private area storm drainage and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. The special taxing district will remain dormant until such time as the City of Homestead requests Miami-Dade County to activate the district.

FISCAL IMPACT

The creation of the Keys Cove Community Development District (CDD) will have no fiscal impact on Miami-Dade County.



Assistant County Manager



MEMORANDUM

(Revised)

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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(H)

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(H)

Veto _____

7-27-04

Override _____

ORDINANCE NO. _____

93-145

ORDINANCE GRANTING PETITION OF SHOMA HOMES AT KEYS GATE, INC, ("SHOMA HOMES" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING KEYS COVE 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, Shoma Homes at Keys Gate, Inc. ("Shoma Homes" or "Petitioner") have petitioned for the establishment of the Keys Cove 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 community development facilities and services to the area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District is amenable to separate special-district government; and

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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 units 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, because the proposed District is located wholly within the municipal boundaries of the City of Homestead, the City is in a position to be well informed regarding the merits of this District; and

WHEREAS, The City of Homestead has consented to the creation of the District within the municipal boundaries; and the Board of County Commissioners desires to establish the District; and

WHEREAS, Based on the written consent of the City of Homestead, 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:

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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 Keys Cove Community Development District over the real property described in Exhibit A attached hereto, which was filed by Shoma Homes at Keys Gate, Inc. on April 26, 2003, 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:

Mosoud Shojaee
David Flinn
Christina De Zayas
Marta Cruz
Orestes Lopez-Recio

Section 5. The name of the District shall be the “Keys Cove Community Development District.”

Section 6. The Keys Cove 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 Keys Cove 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 Keys Cove 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 Keys Cove 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 Keys Cove 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 Keys Cove 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 Keys Cove 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, or 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 Keys Cove 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 proffered by the owners of the lands within the jurisdiction of the Keys Cove Community Development District, in connection with the petition submitted by Shoma Homes at Keys Gate, Inc. 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:

Prepared by:

RA6


Gerald T. Heffernan

EXHIBIT A
METES AND BOUNDS LEGAL DESCRIPTION
KEYS COVE COMMUNITY DEVELOPMENT DISTRICT

A portion of Tracts 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, and 16 Block 2, "MIAMI LAND AND DEVELOPMENT COMPANY", according to the Plat thereof, as recorded in Plat Book t, Page 10 of the Public Records of Miami-Dade County, Florida, in the Northwest ¼ of Section 29, Township 57 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the West ¼ corner of said Section 29, thence North 89 degrees 26 minutes 35 seconds East along the South line of the Northwest corner of said Section 29, for a distance of 2712.42 feet to a point on the East line of the Northwest ¼ of said Section 29, also being the center of said Section 29; thence North 00 degrees 29 minutes 41 seconds West, along said East line for a distance of 580.00 feet to the Point of Beginning of the hereinafter described parcel of land; thence South 89 degrees 30 minutes 31 seconds West, along a line parallel with and 2089.93 feet South of the North Line of the Northwest ¼ of said Section 29, for 707.00 feet; thence North 49 degrees 56 minutes 34 seconds West for a distance of 886.17 feet; thence South 88 degrees 17 minutes 12 seconds West for a distance of 176.40 feet to a point on the arc of a circular curve to the left, concave to the Southwest, a radial line to said point bears North 66 degrees 17 minutes 42 seconds East; the next described four (4) courses and distances being along the Northeasterly Boundary Line of Tract "C", of Valencia Gardens, according to the plat thereof, as recorded in Plat Book 159, at Page 160 of the Public Records of Miami-Dade County, Florida; 1) thence Northwesterly along the arc of said curve, having for its elements a radius of 120.00 feet, through a central angle of 57 degrees 12 minutes 50 seconds for an arc distance of 119.83 feet to a point of reverse curvature of a circular curve to the right, concave to the Northeast; 2) thence Northwesterly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 64 degrees 18 minutes 53 seconds for an arc distance of 28.06 feet to a point of reverse curvature of a circular curve to the left, concave to the Southwest; 3) thence Northwesterly along the arc of said curve, having for its elements a radius of 3035.00 feet, through a central angle of 15 degrees 26 minutes 51 seconds for an arc distance of 818.26 feet to a point of reverse curvature of a circular curve to the Right, concave to the Northeast; 4) thence Northwesterly along the arc of said curve, having for its elements a radius of 2000.00 feet, through a central angle of 12 degrees 10 minutes 54 seconds for an arc distance of 425.22 feet to a point on a non-tangent line; thence North 70 degrees 07 minutes 46 seconds East for a distance of 136.66 feet; thence North 00 degrees 29 minutes 29 seconds West for a distance of 230.14 feet; thence North 89 degrees 30 minutes 31 seconds East, along a line parallel with and 24.00 feet South of the North Line of the Northwest ¼ of said Section 29, for a distance of 1711.01 feet; thence South 00 degrees 29 minutes 41 seconds East, along the West line of the East ½ of said Tract 1, for a distance of 863.68 feet; thence North 89 degrees 30 minutes 31 seconds East along a line parallel with and 887.68 feet South of the North line of said Northwest ¼ of said Section 29, for a distance of 338.99 feet to a point on the East line of the Northwest ¼ of said Section 29; thence South 00 degrees 29 minutes 41 seconds East along said East line for a distance of 1202.25 feet to the Point of Beginning.

TOGETHER WITH those certain access easements in favor of the above-described lands over and across the "Road" known as SW 13th Avenue (Valencia Gardens Drive) as shown on the Plat of VALENCIA GARDENS recorded at Plat Book 159, at Page 60 for ingress and egress to and from Palm Drive as shown at Official Records Book 13410, at Page 154, which easements were created and granted in that certain Easement Agreement filed February 19, 2003 in Official Records Book 21036 at Page 4910 and that certain Easement and Reverter Agreement filed December 28, 2001 at the Official Records Book 20107, at Page 17.

All of the above described land situated, being and lying in the City of Homestead, Miami-Dade County, Florida.



PETITION FOR ORDINANCE

FOR

**KEYS COVE
COMMUNITY DEVELOPMENT DISTRICT**

APRIL 26, 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

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IN RE: AN ORDINANCE TO ESTABLISH)
 THE KEYS COVE)
 COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Petitioner, Shoma Homes at Keys Gate Inc., a wholly owned subsidiary of Shoma Development Corporation ("Petitioner"), hereby petitions Miami-Dade County, Florida 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 entirely within the incorporated City of Homestead, Florida. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 72.41 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:

Masoud Shojaee	7111 Lago Drive East	Coral Gables, FL 33143
David Flinn	1717 N. Bayshore Drive, #1231	Miami, FL 33132
Cristina DeZayas	8445 S.W. 40 Terrace	Miami, FL 33155
Marta Cruz	13615 S.W. 19 th Street	Miami, FL 33186
Orestes Lopez-Recio	5895 S.W. 32 nd Street	Miami, FL 33155

4. The proposed name of the District to be established is Keys Cove Community Development District ("the District").

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 398 Villas and 576 Courtyard residential units. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element and the City of Homestead's land use plan. 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 uses 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 representing 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), Florida Statutes and Sections 190.012(2)(a), and (d) and Section 190.012(3), Florida Statutes.

11. The Petitioner is Shoma Homes At Keys Gate, Inc., a Florida Corporation, a wholly owned subsidiary of Shoma Development Corporation, whose address is 5835 Blue Lagoon Drive, 4th Floor Miami, FL 33126.

12. A form of Declaration of Restrictive Covenant to be executed by the Petitioner as Owner of 100% of the real property to be included in the District and recorded in the public records of Miami-Dade County, Florida is attached and made a part of this Petition.

13. A proposed resolution to be adopted by the City of Homestead, Florida is attached as a part of this Petition. It is understood that the City of Homestead must adopt this resolution prior to the Petition being placed on the Miami-Dade Commission agenda.

14. 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 uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective Miami-Dade County and City of Homestead Comprehensive Development Master Plan..

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 or the City of Homestead or both. 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 Keys Cove Community Development District and;

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

Respectfully submitted this 26 day of April, 2004.

SHOMA HOMES AT KEYS GATE, INC.
A SUBSIDIARY OF
SHOMA DEVELOPMENT CORPORATION

By: Masoud Shojaee, President
5835 Blue Lagoon Drive, 4th Floor
Miami, FL 33126

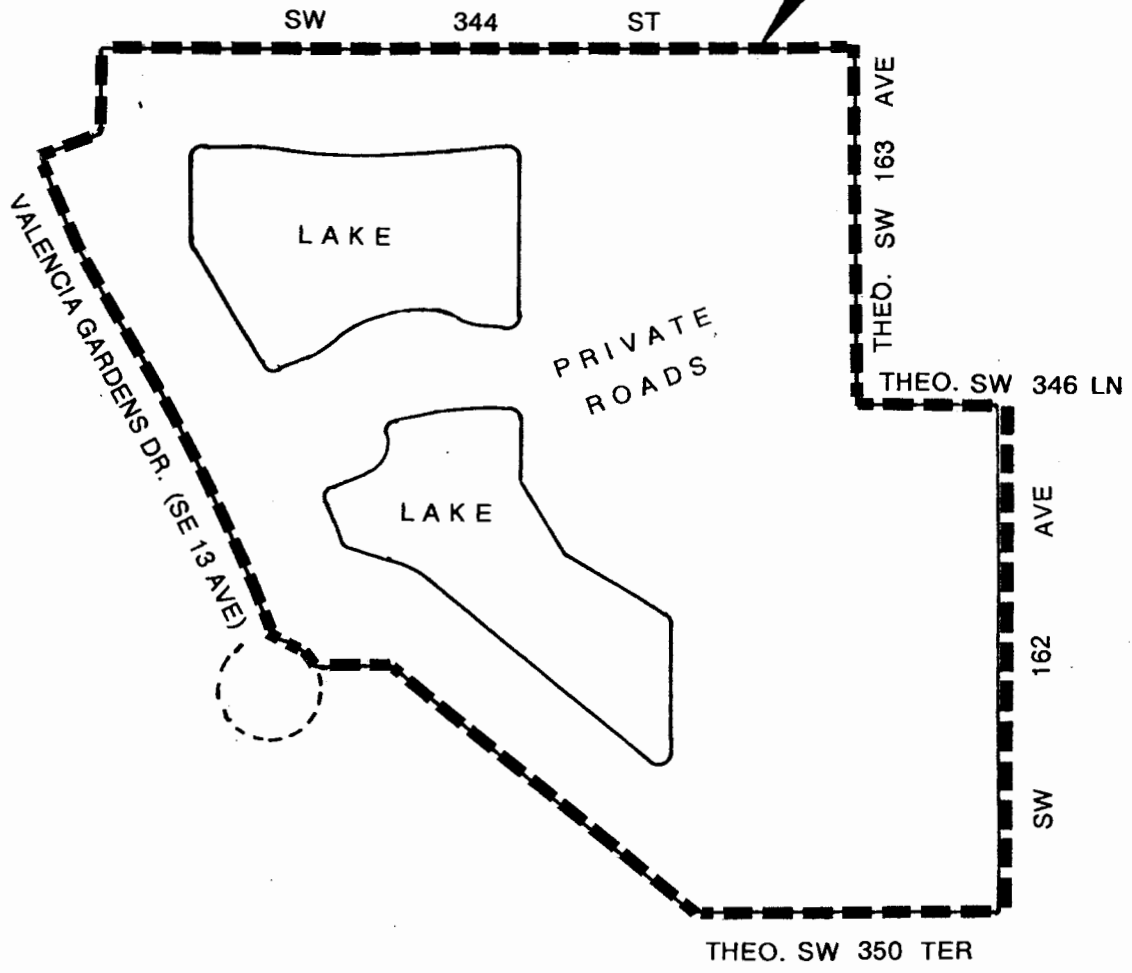


EXHIBITS
KEYS COVE COMMUNITY DEVELOPMENT DISTRICT

- 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

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DISTRICT BOUNDARIES



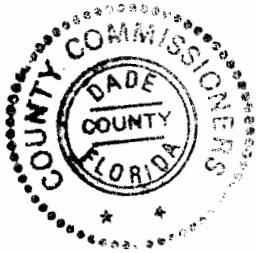
KEYS COVE COMMUNITY DEVELOPMENT DISTRICT



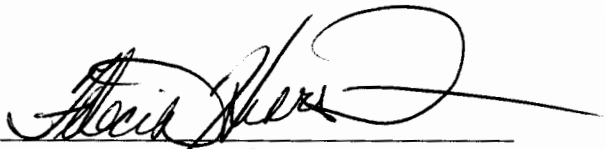
STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) SS:

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. 04-145, 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

By 
Deputy Clerk

SEAL

Board of County Commissioners
Miami-Dade County, Florida

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