

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2009-308

A RESOLUTION REQUESTING THAT "ENCLAVES" BE EXEMPTED FROM THE PROVISIONS OF A PROPOSED MIAMI-DADE COUNTY ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGE REQUESTS; SUSPENDING THE PROCESSING AND CONSIDERATION OF MUNICIPAL BOUNDARY REQUESTS, THEREBY SUSPENDING AND PLACING A MORATORIUM ON MUNICIPAL GOVERNMENT ANNEXATIONS.

WHEREAS, Miami-Dade County Commission on October 20, 2009 as Agenda No. 4(D), approved (7-4 vote) an Ordinance on First Reading "Relating to boundary change requests; suspending the processing and consideration of municipal boundary requests; creating Section 20-4.1 of Miami-Dade County Code; and

WHEREAS, per the County Ordinance, Miami-Dade County Commission reason for passage is "Due to the economic slowdown is having a severe impact on the ability of the County to deliver services to the unincorporated areas and "Annexations have the potential to diminish the ability of the County to provide such services;" and

WHEREAS, in cooperation with Miami-Dade County, the City of Coral Gables has collaborated closely with Miami-Dade County regarding the annexation of two areas classified by Miami-Dade County as "enclaves". These areas known as "Little Gables" and "High Pines" are scheduled for public meetings in the near future. "Davis-Ponce", an area within High Pines received unanimous support of the City Commission via a supporting Resolution transmitted to the County some years ago and the City is anticipating County processing (see Attached Map); and

WHEREAS, the City has completed the necessary factual information per Florida Statutes Chapter 171 and has determined that these areas are reasonably compact areas referenced as "enclaves" or "pockets", which are contiguous and abutting the City of Coral Gables and therefore the City can provide efficient, cost effective and expedient service to the residents and property owners of these areas; and

WHEREAS, Florida Statutes Chapter 171 continues to govern the requisites of voluntary annexation which is a procedure that allows property owners to petition to have their property annexed into a municipal government; and

WHEREAS, The passage of the County Ordinance circumvents the residents and property owners ability to undergo the voluntary annexation process and essentially places a “Moratorium” on all municipal annexations; and

WHEREAS, the County Ordinance prohibits the City and Miami-Dade County from continuing its intergovernmental coordination and discussions to provide efficient, reliable, and cost effective service to the residents and property owners within this areas; and

WHEREAS, the City requests that “enclaves” be exempted from any moratorium, allowing continued efforts to provide efficient and cost effective services to residents in such areas; and

WHEREAS, the City Commission of Coral Gables at its regularly scheduled meeting of October 27, 2009, passed with a 5-0 vote, this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission does hereby go on record as “Opposing” the passage of the Miami-Dade Ordinance as presented, “Relating to boundary change requests; suspending the processing and consideration of municipal boundary requests; creating Section 20-4.1 of Miami-Dade County Code for the reasons stated herein as provided within the “Whereas” clauses.

SECTION 3. That if the County Commission moves forward with the Ordinance, the City requests that “enclaves” be exempted from any moratorium, allowing continued efforts to provide efficient and cost effective services to residents in such areas.

SECTION 4. That City Staff shall transmit the Resolution to the County Mayor, County Commission, appropriate Committees, County Manager, Miami-Dade League of Cities, etc., advising of the City of Coral Gables position.

SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF
OCTOBER, A.D., 2009.

(Moved: Withers / Seconded: Kerdyk)

(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: H-4)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY

