

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO 3328

AN ORDINANCE AMENDING "CODE OF CITY OF CORAL GABLES" BY ADDING LOCAL IMPROVEMENT ORDINANCE, USING AND COMBINING PORTIONS OF DIVISION 10, SECTIONS 275-301 OF CITY CHARTER AND ARTICLE VIII, SECTIONS 65-84 OF CITY CHARTER, AND REPEALING ALL INCONSISTENT PORTIONS OF SUCH SECTIONS AND ALL ORDINANCES INCONSISTENT HEREWIT

WHEREAS, the City Administration has reviewed the City Charter through a Charter Review Committee, and

WHEREAS, the Charter Review committee has recommended that a new Comprehensive Local improvement Act be adopted and enacted, using and combining portions of Division 10, sections 275 to 301 of the City Charter, and Article VIII, Sections 65 to 84 of the City Charter, and repealing certain portions of such sections,

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

SECTION 1. That the "Code of the City of Coral Gables" is hereby amended by adding a Local improvement Ordinance, using and combining portions of Division 10, Sections 275 to 301 of the City Charter and Article VIII, sections 65 to 84 of the City Charter as hereinafter set forth

1. short Title. This Act shall be known and may be cited as the "City of Coral Gables Local improvement Act." (Ch 13972, s 61, Special Acts 1929 Ch 21161, s 7 special Acts, 1941), (Ch 25742, 1, special Acts 1949), *Cross reference prior authority, Article VIII, sec 65, et seq , and Division 10, Sec 275 et seq*

2. Authority to Make and Finance. The city of coral Gables is hereby authorized to make local improvements and provide for paying the cost thereof as herein provided (Ch 13972, s 61, Special Acts 1929, Ch 21161, s 7, Special Acts 1941), (Ch 25742, s 3, Special Acts 1949) *Cross reference prior authority Article VIII, Sec 65 et seq and Division 10, sec 277, et seq*

3. Definitions and Classes of Improvements. As used in this Act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended

(a) The word "City" shall mean the City of Coral Gables, a municipal corporation of Florida located in Dade County.

(b) The word "Commission" shall mean the City Commission of the City of Coral Gables or the board or body in which the general legislative powers of the City shall be vested

(c) A "local improvement" is an improvement defined by this Act and made under the provisions thereof

(d) A "street" is a public way embracing a street, boulevard, avenue, lane, alley, parkway, court, terrace or place, but not embracing a sidewalk

- (e) A "sidewalk" is a path for pedestrians along a street
- (f) A "sanitary sewer" is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary
- (g) A "curb sewer" is a sanitary sewer at or near a curb, instead of at or near the middle of a street
- (h) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary, and culverts over streams and stream enclosures where necessary or advisable to carry off storm water.
- (i) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown
- (j) A "water main" is a pipe for the passage of water for public hydrants and private and public use and consumption.
- (k) A "lateral" is a pipe connecting a sewer or water main with the line of adjacent property or the curb line, as the commission may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is, a pipe line extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served
- (l) The word "cost" as applied to a local improvement shall include
 - (1) Labor and material.
 - (2) In street acquisition, the cost of any property purchased, condemned or otherwise acquired, including court costs and other expense incident to such acquisition
 - (3) Damages paid or to be paid for injury to property by change of grade or drainage, including court costs and other expense incidental to the determination of damage.
 - (4) The cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for such property damage or acquisition, including the cost of moving or altering any structure
 - (5) The cost, whether in the nature of damages or otherwise, of establishing a building setback line or lines
- (m) The term "incidental expense" embraces the following items, including reasonable sums paid or credited to the City or any department thereof for services rendered by a department or officer or clerk thereof in connection with any such items

Preliminary and other survey
inspection and superintendence of work
Preparations of plans and specifications and estimate
Printing and publishing of notices and proceeding
Preparation of bond
interest during construction
Legal services, abstracts, etc.

Any other expense necessary or proper in conducting the proceedings and work herein provided for

(n) improvements authorized to be made under the provisions of this Act are divided into twelve classes as follows

Class 1. Street Improvements embrace the grading, paving, re-paving, asphalting and re-asphalting of streets, with necessary drainage, sewer inlets, manholes and catch basins, and, if the Commission so orders, curbs and gutters

Class 2. Sidewalk Improvements embrace the grading and construction of sidewalks, and, if the Commission so orders, curbs and gutters

Class 3. sanitary sewer improvements embrace the construction of sanitary sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the commission so orders, the laying of sewer laterals as a separate improvement or as a part of the main improvement

Class 4. Storm Sewer improvements embrace the construction of storm sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals as a separate improvement or as a part of the main improvement, storm sewer improvements may also embrace the building of culverts over or enclosing the streams where necessary or advisable to carry off storm water

Class 5. water Main improvements embrace the laying of water mains, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of water laterals as a separate improvement or as a part of the main improvement (Ch 25742, s 2, Special Acts 1949)

Class 6. waterfront improvements embrace the construction of bulkheads, seawalls or other retaining walls along the bay, river, canal, or lake, with necessary fills and dredging, and may embrace the acquisition by purchase, condemnation or otherwise, of land rights and easements thereof

Class 7. Canal and Waterway improvements embrace the digging, excavating and dredging of new canals and waterways and the widening and extension of existing canals and waterways, and the maintenance and improvement of canals and waterways, and may embrace the acquisition by purchase, condemnation or otherwise of land rights and easements thereof

Class 8. streetscape improvements provide for constructing or reconstructing permanent pedestrian canopies over public sidewalks, and in connection with any of the foregoing, provide related lighting, landscaping, street furniture, signage, and other amenities as determined by the commission

Class 9. street Lighting improvements provide for the construction, reconstruction and repair of street lighting and other amenities as determined by the Commission

Class 10. Public Transport Improvements provide for the construction, reconstruction and repair of public transport facilities and other amenities as determined by the Commission

Class 11. Park improvements provide for the construction, reconstruction and repair of public park facilities and other amenities as determined by the Commission

Class 12. other improvements provide for the construction, reconstruction and repair of any other improvement deemed appropriate by the commission, including

- (1) ordering the construction, reconstruction, repair, renovation, excavation, grading, stabilization, and upgrading of green belts, swales, culverts, sanitary sewers, stormsewers, outfalls, canals, primary, secondary, and tertiary drains, water bodies, marshlands, and natural areas, all or part of a comprehensive stormwater management system, including the necessary appurtenances and structures thereto and including, but not limited to, dams, weirs, and pumps; -
- (2) Ordering the construction or reconstruction of water mains, water laterals, alternative water supply systems, including, but not limited to, reclaimed water, aquifer storage and recovery, and desalination systems, and other water distribution facilities, including the necessary appurtenances there to; and
- (3) Paying for the relocation of utilities, including the placement underground of electrical telephone and cable television services, pursuant to voluntary agreement with the utility, but nothing contained in this paragraph shall affect a utility's right to locate or relocate its facilities on its own initiative at its own expense *cross reference prior authority Article VIII, sec 66 and Division 10, Sec 276 and FS 170 01, et seq*

4. Ordering of District The initial proceeding for a local improvement hereunder shall be the passage at any lawful meeting of the Commission of a resolution ordering the same to be made under and subject to the provisions of this Act, stating the nature of the proposed improvement, designating the location to be so improved and either giving a description of the improvement by its materials, nature, character and size or giving two or more such descriptions with the direction that the material, nature, character and size be subsequently determined in conformity with one such description

A single resolution may embrace one improvement only or one improvement of each of two or more classes of improvements. An improvement need not be continuous and may be in more than one locality or street, but a street or sidewalk improvement shall be practically uniform in cost and kind throughout the improvement. A resolution may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement shall be designated as a district, followed by a letter or number or name to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings, assessments, bonds and warrants, except in the notices otherwise provided in this Act. If the resolution shall order a storm sewer improvement, it shall designate the property which the Commission deems will be specially benefited thereby, and, if a water main improvement be ordered, the resolution shall indicate the proportion of the cost thereof which shall be borne by the City at large and the proportion thereof which shall be specially assessed. A sanitary sewer improvement shall not provide for a curb sewer as a part of the improvement, and a sewer at or near the middle of a street as another part. Nothing herein contained shall prevent the commission from excluding from any street improvement that portion of the street which has been improved by any railroad or any portion which the City may, under the franchise or contract with such railroad, require it to improve. If the resolution shall order a waterfront improvement, a canal and waterway improvement or storm sewer improvement, it shall designate the property which the commission deems will be specially benefited thereby, and, if a waterfront or canal and waterway improvement be ordered, the resolution shall indicate the proportion thereof which shall be borne by the City at large, and the

proportion thereof which shall be specially assessed (Ch 13972, s 62A, Special Acts 1929, Ch 21161, Special Acts 1941); (Ch 25742, s 4, Special Acts 1949) *Cross reference prior authority Article VIII, Sec 67, et seq and Division 10, section 278 et seq*

5. Special Assessment. When the commission may determine to make any local improvement and defray the whole or any part of the expense thereof by special assessment, the Commission shall so declare in said resolution ordering the district, designating what part or portion of the expense thereof is to be paid by special assessment, the manner in which said assessment shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the City, and said resolution shall also designate the lands upon which the special assessments shall be levied, and in describing said lands it shall be sufficient to describe the lots and lands, deemed to be specially benefited abutting upon and contiguous to the contemplated improvement as "All lots and lands adjoining and contiguous or bounding and abutting upon such improvement." Such resolution shall also state the total estimated cost of the improvements (Ch 13972, § 63, Special Acts 1929) *Cross reference prior authority Article VIII, Sec 68 and Article VIII, Sec 67 (b) to (c), (d), (e), Sec 69, Sec 70, Division 10, Sec 279, Sec 280, Sec 281, and sec 282, et seq*

6. Plans, Specifications, Cost Estimate. After the passage of said resolution the City Manager shall prepare and file with the City Clerk preliminary plans and specifications of each improvement ordered thereby and an estimate of the cost thereof, including an estimate of the cost of each kind of improvement, if the resolution provides alternative descriptions of material, nature, character and size, which estimate shall show the estimated amount of cost and incidental expense to be assessed against property benefited thereby and the estimated amount to be assessed against each property. The plans, specifications and cost estimates shall be open to Public Inspection. (Ch 25742, s 5, Special Acts 1949) *cross reference prior authority Article VIII, Sec 68 and Article VIII, Sec 67 (b) to (c), (d), (e), Sec 69, sec 70, Division 10, Sec 279, Sec 280, sec 281, and sec 282, et seq*

7. Confirming ordering of District - Advertise Notice of Public Hearing. upon the filing of such preliminary plans, specifications and estimates, the City Clerk shall publish once in a daily newspaper of general circulation published in the city or in Dade County, a notice stating that at a meeting of the commission on a certain day and hour, no sooner than ten (10) days after such publication, the Commission will hear the objections of all interested persons to the confirmation of said resolution, which notice shall state in brief and general terms a description of the proposed improvement with the location thereof, and shall also state that preliminary plans, specifications and estimates of cost thereof are on file in the office of the City Clerk such notice in the case of a resolution for a storm sewer improvement shall describe the property declared by such resolution to be specially benefited by a description sufficient to identify the property (Ch 13972, Statute 62a, Special Acts 1929, Ch 21161, Special Acts 1941); (Ch 25742, s 6, Special Acts, 1949, Ord NO 2133, S 2 (G), 1-21-75) *Cross reference prior authority Article VIII, Sec 68 and Article VIII, Sec 67 (b) to (c), (d), (e), Sec 69, Sec 70, Division 10, Sec 279, Sec 280, Sec 281, and Sec 282, et seq*

8. Objections to Confirmation of District All objections to any improvement resolution on the grounds that it contains items which cannot be properly charged to the property owners, or that it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or that it exceeds the power of the legislative body of the municipality, shall be made in writing, in person or by attorney, and filed with the City Clerk at or before the time or adjourned time of such hearing. Any objections against the making of any improvement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten days (Ch 13972, § 64, special Acts 1929, Ch 21161, §11, special Acts 1941), (Ch 25742, statute

8, Special Acts 1949) cross reference prior authority and Article VIII, Sec 69, and Division 10, sec 282

9. Public Hearing to confirm ordering of District At the time named in said notice, or to which an adjournment may be taken, the Commission shall receive any objections of interested persons and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the commission and which do not change in any way the location of the improvement or improvements, provided, however, that such resolution shall not then or thereafter be confirmed if it contains items which cannot be properly charged to the property owners, or if it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or if it exceeds the power of the Commission, and if any objection shall be made to the resolution on any such grounds as provided by the provisions of this Act (Ch. 13972, statute 62a, special Acts 1929, Ch 21161, special Acts 1941), (Ch 25742, statute 7, special Acts 1949) cross reference prior authority and Article VIII, Sec 67 (d) and Division 10, Sec 281

10. Contract for work - Advertise for Bids. After the confirmation of any such initial resolution ordering work to be constructed and the authorization of bonds under the provisions of this Act, the City Clerk shall publish at least once in a newspaper published in Dade County and of general circulation in the City, and if estimated cost exceeds \$5,000, in a newspaper of general circulation in the State of Florida, a notice calling for sealed bids to be received by the commission on a date not earlier than fifteen (15) days from the first publication, for the construction of work, unless in the initial resolution the Commission shall have declared its intention to have the work done by City forces without contract

The notice may refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character and size, and the commission shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. The notice shall require bidders to file with their bids either a certified check upon an incorporated bank for two and one-half per cent (2-1/2%) of the amount of their respective bids or bid bond in like amount with corporate surety satisfactory to the City Attorney to insure the execution of a contract to carry out the work in accordance with such plans and specifications and to insure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate sureties satisfactory to the City Attorney conditioned for the performance of the work in accordance with such contract. The Commission shall have the right to reject any or all bids, and if all bids are rejected the Commission may re-advertise, or may determine to award the contract outright, or if the commission determines it is in the best interest of the City, to award said contract without bid, or to do the work by City forces without contract

City payments to contractor shall be made in cash upon monthly invoice submittal of actual work completed and approved by the City Manager in the amount of ninety per cent (90%) of such invoice and the balance due shall be paid in cash within sixty (60) days after final acceptance of the work, and the said notice may state such conditions as to payment. Bids may be requested for the work as a whole or for any part thereof separately, and bids may be asked for any one or more improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. (Ch 13972, s. 66, special Acts 1929); (Ch 25742, s 9, Special Acts 1949, ord NO. 2133, s.2(G), 1-21-75), Cross reference prior authority, Article VIII Sec 71 d), et seq, Division 10, sec 283, et seq

11. Preliminary Assessment Roll. The City Manager shall cause to be prepared a preliminary assessment roll and file the same in the Office of the City Clerk, which roll shall contain the following

(a) A description of the lots and parcels of land within the district, in the case of waterfront, canal and waterway, or storm sewer improvements, the description shall include all lots and parcels of land declared by the Commission in the initial resolution to be specially benefited. In the case of other improvements, the description shall include the lots and parcels of lands which abut upon the side or sides of that part of any street to be improved. Such lots and lands shall include City property and the property of the county and of any school district or other political subdivision. The City Manager may also provide the name of the owner of record of each lot or parcel of land, and a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage, or by such other method as the Commission may prescribe.

(b) The total cost of the improvement, and the amount of incidental expense

(c) An apportionment, as between the City and property owners, of the cost and incidental expenses of each improvement shall be computed as provided in this Act. (Ch 13972, s 67, Special Acts 1929, Ch 21161, Special Acts 1941, Ch 25739, Special Acts 1949, Ord No 2304, s 2 (A), 1-23-79), (Ch 25742, S 10, Special Acts 1949, Ord. NO 2304, S 2(A), 1-23-79)
Cross reference prior authority Article VIII, sec 72 and Division 10, s 284

12. Method of Prorating Special Assessments Special assessments against property deemed to be benefited by local improvements shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to the frontage of the respective properties specially benefited by said improvement, or by such other method as the commission may prescribe *Cross reference Article I, Sec 121, 122 and 123 Cross reference authority FS 170 01 et seq*

13. Confirming Preliminary Assessment Roll • Advertise Notice of Public Hearing. upon the filing in the office of the City Clerk of the preliminary assessment roll required by this Act, the City Clerk shall publish once in a daily newspaper published in Dade County and of general circulation in the City, a notice stating that at a regular meeting of the commission to be held on a certain day and hour, not less than ten days after such publication, all interested persons may appear and file written objections to the confirmation of such roll. such notice shall state the class of the improvement and the location thereof by terminal points and route (Ch 25742,s.11, Special Acts 1949, Ord No 2133, s 2(G), 1-21-75) *Cross reference Article VIII, Sec 69. Cross reference prior authority Division 10, Sec 285*

14. Public Hearing to Confirm Preliminary Assessment Roll. At the time and place stated in the notice, the commission shall meet and hear testimony and consider written objections of all interested persons. The commission may adjourn the hearing from time to time. Following the testimony and receipt of written objections, the Commission shall make a final decision on whether to levy the special assessment. If any specially-benefited property was omitted from the preliminary roll or if the *prima facie* assessment was not made against it, the commission may place on such roll an apportionment to such property. The Commission shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. The assessments so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within ten (10) days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the City Manager shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special

assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which such assessment is so reduced, may by resolution of the commission be made chargeable against the City at large, or in the discretion of the Commission, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll. (Ch 25742, s 2, Special Acts 1949) Cross reference prior authority Article VIII, sec 69 and Division 10, sec 286

15. Acceptance of improvements, Advertise Notice of Public Hearing AS soon as any improvement shall have been completed, the Commission shall cause a notice to be published in a newspaper published in Dade County and of general circulation in the City, stating that at a meeting of the Commission to be held at a certain day and hour, not less than ten (10) days from the publication of such notice, the commission will hear any objections of persons interested in or affected by the said improvements as to the acceptance thereof by the Commission. At the time and place mentioned in such notice the Commission shall hear such objections, if any, and may then or thereafter accept the said improvement (Ch. 13972, s 73, Special Act 1929), (Ch. 25742, 19, special Acts 1949), 1 Cross reference prior authority Article VIII, s 78 and Division 10, sec 293

16. Adjustment of Assessments upon completion of improvement The final assessment roll which has been apportioned and approved by resolution of the Commission shall be recorded by the Finance Director and such assessments shall stand confirmed and remain legal, valid, and binding first liens upon the property against which such assessments are made until paid, however, upon completion of the improvement, the City shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed, and the proportionate part of the actual cost of the improvement to be paid by special assessments as finally determined upon the completion of the improvement, but in no event shall the final assessment exceed the amount of benefits originally assessed. Promptly after such confirmation, the assessments shall be recorded by the Finance Director in a special record, to be known as the "Improvement Assessment Record," and the record of the liens in the Improvement Assessment Record shall constitute *prima facie* evidence of their validity (Cross reference authority FS 170 08, et seq.)

17. Objections after confirmation. If the owners of any railroad, or any lot or parcel of land assessed shall within ten days from such confirmation so file a written verified petition in the office of the Clerk of the Circuit court of Dade County, setting forth that the amount so assessed against any property of the petitioner exceeds the amount of the special benefit the petitioner has sustained or will sustain by reason of such improvement, or is out of proportion to benefits, or that the assessment is invalid for any reason whatsoever, and shall at the same time file with said Clerk a written undertaking in at least the sum of two Hundred Dollars (\$200 00) with a good and sufficient surety to be justified before and approved by the said Clerk, to the effect that the petitioner will pay to the said City all costs and damages to be sustained by it by reason of such proceeding, and shall, within ten (10) days from such confirmation deliver to the City Manager or leave in his office a copy of said petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Within ten (10) days after the delivery of said copy of petition to the City Manager, or at his office, the City Manager shall appear and answer the said petition, and the case shall be heard upon such petition and answer and upon such evidence as may be presented to the court. The Judge of the court shall hear and determine the cause, in term or vacation, giving such hearing and determination precedence over all other cases so far as the same may be practicable. The decision of the court in such proceedings shall be final, and an appeal shall be allowed only if properly prayed and perfected ten (10) days from the date of the order, if the assessment against such property shall be sustained or reduced or abated by the court, the Finance Director shall note that fact on the assessment roll opposite the description of the property whose assessment was so contested; the cost of any such proceedings shall be paid by the party

complaining of such assessment, unless the said assessment is abated or is reduced by the court ten (10) per cent, or more, and judgment shall be rendered against said party for the amount of such costs; in case such assessment shall be abated or shall be reduced ten (10) per cent or more, such costs and expenses shall be paid by the City, and judgment shall be entered against it for the amount thereof (Ch 13972, § 69, Special Acts 1929) Cross reference prior authority Article VIII, sec 74 (c) and sec 75 (a), Division 10, Sec 287, et seq

18. Special Assessments, Reduced or set Aside. The amount of the special assessment against any lot or parcel of land which may be set aside by the court, unless the assessment upon the entire district be set aside, or the amount by which such assessment is so reduced, may by resolution of the commission be made chargeable against the City at large, or to specially benefited property, or, in the discretion of the Commission a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll, except that no notice of hearing upon such roll need be published or given as to any property unless the assessment against it is increased. The Commission shall take prompt action as herein provided in case of the reduction or invalidation of any assessment, and any such action shall be noted by the Finance Director on said assessment roll, unless a new roll shall be made and confirmed in which case the former roll shall be a nullity and the right of petition to the Circuit court as the amounts apportioned by the new roll shall again be in force as to such new roll (Ch 13972, s 70, Special ACTS 1929, Ch 15129, Special ACTS, 1931; Ch 25747, Special ACTS, 1949) Cross reference prior authority Article VIII, sec 75, et seq

19. Payment of Assessments. Thirty (30) days after the confirmation of the assessments, the amounts apportioned and assessed shall be due and payable at the office of the Finance Director, except any property whose owners shall have filed a petition in the Circuit court as hereinabove provided, which assessments shall be due and payable eleven (11) days after the decision of the court. Any assessment may be paid at the office of the Finance Director within thirty (30) days from the date of invoice, without interest. The owner of any lot or parcel assessed in excess of five hundred dollars (\$500 00) shall have the privilege of paying annual installments, upon a waiver being signed that there is no irregularity or illegality with said assessment. The annual installments shall be paid in ten (10) succeeding years, or shorter period as may be fixed by the commission. The interest rate shall be determined by the Commission, which will not be more than that allowed by State Statute. interest will accrue after thirty (30) days from invoice date and will be charged on the unpaid balance annually. The unpaid balance can be paid any time with accrued interest from date of last annual payment or due date of invoice (Ch 25742, s 13m Special ACTS, 1949; Ord No. 2304, s 2(B), 1-23-79, Ord No 2456, s 2, 2-8-83) Cross reference prior authority Article VIII, Sec 75 and Division 10, Sec 287

20. Lien and Enforcement All assessments made under the provisions of this Act shall constitute a lien upon the property so assessed from the date of the confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general City taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not paid when due shall be collectible in the same manner as such general taxes are or may be collectible, with the same attorney's fee, interest and penalties and under the same provisions as to forfeiture and the right of the City to purchase the property assessed as are or may be provided by law in the case of City taxes; provided however, that no such sale of any property for general City taxes or for an installment or installments of any such assessment and no perfecting of title under any such sale shall divest the hen of any installment of such assessment not due at the time of sale. collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the City as proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state. Any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest

thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of any resolution passed pursuant to the provisions of this Act, with interest as required by the provisions of this Act and all costs including attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by such resolution passed pursuant to the provisions of this Act, and the proceeding shall be dismissed. It shall be the duty of the City to enforce the prompt collection of assessments by one or the other of the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this Act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than thirty days after the annual sale of property for delinquent taxes of the city, it shall be the duty of the commission to direct the City Attorney to institute actions to enforce the collection of all special assessments for local improvements made under this Act and remaining due and unpaid at the time of such direction (unless such property has theretofore been sold at tax sale) such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the City, and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to a decree in any such action, the City may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the City, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms, the proceeds of such disposition to be placed in the fund provided by this Act; provided, however, that no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published in a newspaper published in Dade county and of general circulation in the City once in each of four (4) successive weeks prior to such disposition (Ch 25742, s 14, Special Acts 1949) *Cross reference prior authority Article VIII, Sec 75, Division 10 sec 287 and sec 288*

21. Pledge of special Assessments All assessments and charges made under this Act on account of the construction of any local improvement or improvements may be pledged to the payment of the principal of and the interest on bonds issued to pay the whole or any part of the cost of such improvement or improvements, and shall when collected be placed in a separate fund, properly designated, which fund shall be used for no other purpose (Ch 25742, _15, special Acts 1949) *cross reference prior authority Division 10 Sec 289, et seq*

22. Proceedings by Resolution All proceedings of the Commission herein provided for may be taken by resolution, which shall be in force from and after its passage (Ch 25742, s 17, Special Acts 1949) *Cross reference prior authority Division 10, Sec 291*

23. Surplus of Bonds Proceeds Where the proceeds of bonds issued under this Act shall be found to exceed the costs of the improvements for which such bonds were issued, such excess shall be paid into the appurtenant fund created by this Act. (Ch 25742, _18, Special Acts 1949) *Cross reference prior authority Article VIII, Sec 77 and Division 10, Sec 292*

24. Credit for Prior improvements The Commission may make allowances and grant credit to property owners for improvements previously made by such property owners to the extent, and only to the extent, that such existing improvements shall be of value and utility as a part of the improvements for which such assessment is made, and may

prescribe a plan for fixing and determining such allowances and credits (Ch 25742, s 20, Special Acts 1949) *Cross reference prior authority Division 10, Sec 294*

25. Description of Property. In fixing and enforcing the assessments herein provided for, whenever any land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making or accepting any conveyance of land therein, or by selling any land therein by reference thereto, then, and in that event, the land embraced in such subdivision may be described by reference to such survey or subdivision whether any plat thereof shall have been recorded or not (Ch 25742, s 21, Special Acts 1949) *cross reference prior authority Article VIII, sec 80 and Division 10, Sec 295*

26. Division of Assessments If the owner or owners of any lot or parcel of land assessed under the provisions of this Act and all those having any interest therein by way of mortgage or other lien or leasehold rights or otherwise shall in writing request that such assessment be divided so that a part of the same shall be the assessment on and constitute a lien on one portion of such lot or parcel and the remainder shall be the assessment on and constitute a lien or liens against the remainder of such parcel or separate parts thereof, the Commission, in its discretion, shall have the power to divide such assessments in accordance with such request, and thereafter the separate parts of such assessment shall be the assessments and constitute separate liens upon the parts of the lot or parcel, respectively, into which the same shall have been so divided; any resolution making such division shall recite a finding of the commission that such division is equitable and will not impair the collectability of any part of the assessments so divided (Ch 25742, s 22, Special Acts 1949) *cross reference prior authority Division 10, Sec 296*

27. Omissions, Errors and Mistakes In case of any omissions, errors and mistakes in making the assessments, or in case of deficiencies or otherwise, then, unless the commission or a court shall have determined that the assessments already made fully equal the amount of special benefits, a supplemental assessment may be made for such deficiencies, errors, omissions or mistakes, and such supplemental assessments shall be made in the same manner and after the same notice heremabov provided for the original assessments, and shall be a lien to the same extent and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and be in force and collectible in the same manner as such original assessments (Ch 25742, s 24, special Acts 1949) *cross reference prior authority Division 10, Sec. 298.*

28. Liberal Construction The purpose of this Act being to provide an economical method by which local improvements may be made, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for the improvements or the special assessments or the bonds or contracts, unless such irregularity or illegality shall substantially affect the rights of the City or its inhabitants or the owners of property assessed for such improvements (Ch. 25742, s 23, Special Acts 1949) *Cross reference prior authority Division 10, sec.297.*

29. Proof of Assessments A copy of any assessments certified as correct by the City Clerk of the City shall be admissible in evidence and shall be *prima facie* proof of the amount of the assessment and the property upon which such assessment is levied (Ch 13972, s 76, special Acts, 1929) (Ch 25742, s 25, Special Acts 1949) *Cross reference prior authority Article VIII, sec 81 and Division 10, sec 299*

30. Assessments on Public Property Dade County, and any school district or other political subdivision wholly or partly within the City, shall possess the same power and be subject to the same duties and liabilities in respect of assessment under this Act affecting

their real estate that private owners of real estate possess or are subject to hereunder, and such real estate of said county, school districts and political subdivisions shall be subject to liens for said assessments in all cases where the same property would be subject had it at the time the lien attached been owned by a private owner (Ch 13972, s 77 Special Acts, 1929), (Ch. 25742, 26, Special Acts 1949) *Cross reference prior authority Article VIII, sec 82 and Division 10, sec 300*

31. Authority to Require Sewage Devices in Lieu of sanitary Connection; Charge and Lien for sanitary Service. The commission shall have the power to authorize and require the use of surface privies, septic tanks and other devices for the disposal of sewage where connection with sanitary sewers is deemed by the commission to be impracticable, and to regulate and control the location, construction, maintenance, care and use of the same, and to compel the payment to said City of reasonable charges for its sanitary services in connection therewith, and to make the said charges a lien upon the houses, lands, and premises served, and the commission shall have power where connection with sanitary sewers is deemed by the Commission practicable, to prohibit, destroy or forbid the use of surface privies and cesspools and all other devices for the disposal of sewage except sanitary sewers (Ch 13972, s 76, special Acts, 1929) *Cross reference prior authority Article VIII, Sec 81*

32. Sidewalks; Garbage, Trash and Weeds, Ponds and Swamps; Lateral Connections. The Commission shall have the power by resolution to prescribe the width of every sidewalk in the City and the material of which same shall be constructed, and shall have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct or repair sidewalks in front of their property, the commission shall also have the power on such notice as may be prescribed by resolution, to require owners of property to clear or scarify the same of, and destroy, saw palmetto, weeds, undergrowth, rubbish, debris, trash, dead trees, standing or fallen, and unsightly or unsanitary matter, to fill in ponds, swamps, abandoned quarry sites, unsanitary excavations or depressions, and if the owner or owners shall not comply with any such requirement within the time provided in the resolution, the commission may cause such work to be done, and may make the cost thereof a charge and lien against such property respectively, of the same extent and character as the lien herein provided for special assessments, which charge shall be forthwith due and payable unless the time for such payment shall be extended by the Commission, with the same penalties and with the same rights of collection and sale and forfeiture as obtained for City taxes Nothing herein contained shall prevent the City from constructing sidewalks and providing for the payment therefor as elsewhere provided in this Act Where laterals shall have been constructed or shall be ordered, the Commission may require property owners to connect their premises with the laterals and may provide by general ordinance that in case of their refusal after notice given, the said connection shall be made by the City and that the cost thereof shall constitute a lien upon the house, land and premises thereby affected The notice above provided for may be by service on the owner of the property or the agent who collects his rents or the occupant, or in case the said property is unimproved, by posting such notice on the property (Ch 13972, § 78, Special Acts 1929) *Cross reference prior authority Article VIII, sec 83*

33. Bonds as Negotiable Paper, contestability. Bonds issued hereunder shall have all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value (Ch. 13972, § 79, special Acts 1929) *Cross reference prior authority Article VIII, sec. 84 and Division 10, sec 290*

34. Alternative Method This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded

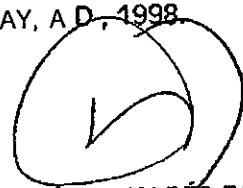
as in derogation of any powers now existing (Ch 25742, 27, Special Acts 1949) Cross
reference prior authority Article VIII, Sec 301

Section 2. That this section, together with all subsections are hereby transferred to the City code, as an ordinance of the City of Coral Cables, and shall be renumbered as such

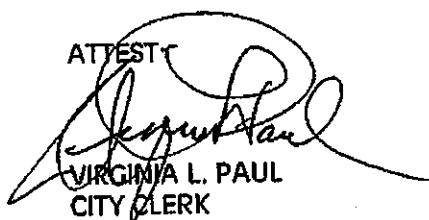
Section 3. That all ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict or inconsistency

PASSED AND ADOPTED THIS TWELFTH DAY OF MAY, A.D., 1998

(Kerdyk/Barker(5)
(Clerk's Item No 27)
(First Reading 4/21/98)



RAÚL J. VALDÉS-FAULI
MAYOR

ATTEST:

VIRGINIA L. PAUL
CITY CLERK