

RESOLUTION 04-108

A RESOLUTION OF THE CITY OF DORAL, FLORIDA REQUESTING, PURSUANT TO SECTION 24-61.2(B) OF THE CODE OF ORDINANCES OF MIAMI-DADE COUNTY, FLORIDA, THAT THE CITY OF DORAL BE EXEMPT FROM THE STORMWATER UTILITY PROVISIONS OF CHAPTER 24, ARTICLE IV OF THE CODE OF ORDINANCES OF MIAMI-DADE COUNTY; REQUESTING A CONDITION ASSESSMENT FROM MIAMI-DADE COUNTY, AS TO EXISTING SURFACE AND STORMWATER MANAGEMENT FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Doral, Florida has determined that it is in the best interest of the citizens, residents, and businesses located within the City of Doral, to establish a Municipal Stormwater Utility; and

WHEREAS, the City of Doral intends to adopt an Ordinance creating a stormwater utility and providing for stormwater management utility fees to fund the purposes of the utility; and

WHEREAS, the creation of a Stormwater Management Utility will allow the City of Doral to fund the maintenance of the system of storm and surface water management facilities, including conduits, manholes, channels, ditches, drainage easements, pretension and detention basins, infiltration facilities and other components, in addition to natural waterways located within the City limits; and

WHEREAS, these elements of the storm and surface water management system within the City of Doral provide for the collection, storage, treatment, and conveyance of stormwater to the benefit of all citizens and residents of the City of Doral; and

WHEREAS, prior to taking over the maintenance and repair responsibility of the storm and surface water management system, the City seeks a condition assessment from Miami-Dade County as to existing facilities; and

WHEREAS, the cost of operating and maintaining these storm and surface water management facilities and the financing of existing and future repairs,

replacement, improvements, and extensions thereof, should be allocated in relationship to the contribution to the need for services and should be allocated specifically towards projects within the City of Doral; and

WHEREAS, the City Council of the City of Doral desires to assure that water quality is maintained and flooding is prevented by means of its municipal regulation of the stormwater utility and the provision of stormwater management utility fees in accordance with Section 403.0893, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct and are confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Council respectfully requests that the Board of County Commissioners of Miami-Dade County, Florida exempt the City of Doral from the provisions of Article IV, entitled "Stormwater Utility", of Chapter 24 of the Code of Ordinances of Miami-Dade County, Florida, subject to reasonable conditions imposed by the County.

SECTION 3. The City Council, in connection with exempting the City from the applicable provisions of the Code of Ordinances of Miami-Dade County, further requests that Miami-Dade County complete a condition assessment of existing surface and stormwater management facilities and transmit the same to the City of Doral for analysis in connection with the City's obligation to repair and maintain existing surface and stormwater management facilities within the City.

SECTION 4. The City Clerk is hereby directed to forward a certified copy of this Resolution with both the Clerk of the Board of County Commissioners of Miami-Dade County and the Director of Department of Environmental Resource Management for Miami-Dade County.

SECTION 5. This resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Cabrera, who moved its adoption.

The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

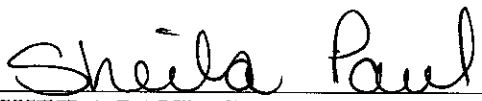
Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED and ADOPTED this 10th day of November, 2004.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY