



To: Diana Gomez, Finance Director

From: Gustavo J. Ceballos, Assistant City Attorney

Approved: Miriam Soler Ramos, City Attorney

RE: Legal Opinion Regarding 9300 Old Cutler Road - Maria Avenarius *MSR*

Date: September 5, 2018

As per our previous internal discussion and the discussions with Miami-Dade County, we need to have the property at 9300 Old Cutler Road, Folio 03-5106-005-0090 (the "Property"), removed from the Hammock Lakes Security District and the Hammock Lake Banyan Drive Security District (the "Districts"). In addition to the Property being removed from the Districts for future bills, there is refund due from last year in the amount of \$1,716.86 (to be confirmed prior to issuance) from the Hammock Lakes Security District. The reasons for these adjustments are as follow:

1. This Property does not receive the benefit from either special taxing district as the Property fronts a road that is not within the Districts. The sole means of vehicular access into the Property is from outside of the boundaries of the Districts.
2. The Property is not, and never has been, a part of the HOA which initiated the creation of the Districts and the Property was not included in the initial petition process but was accidentally added by the Public Works Department at Miami-Dade County.
3. At our meeting with Miami-Dade County it was confirmed that the Property's inclusion was in error and that was evidenced by the County's decision to not charge the Property the assessments for over 10 years due to the mistake. It was only during the transfer process this most recent year that the County, in error, billed the Property, and that is the reason for the refund due.

This opinion is issued in accordance with Sec. 2-252(e)(1) and (8) of the City Coral Gables Code, giving the City Attorney the authority to issue opinions and interpretations of behalf of the City.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Cc: [Suarez, Cristina](#); [Ceballos, Gustavo](#)
Subject: Fwd: 9300 Old Cutler Road - Maria Avenarius
Date: Wednesday, September 05, 2018 8:08:47 PM
Attachments: [image002.png](#)
[image002.png](#)

Enga, please publish.

Miriam Soler Ramos, B.C.S.
City Attorney
City of Coral Gables

Begin forwarded message:

From: "Ceballos, Gustavo" <gceballos@coralgables.com>
Date: September 5, 2018 at 3:49:44 PM EDT
To: "Gomez, Diana" <dgomez@coralgables.com>
Cc: "Suarez, Cristina" <csuarez@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>
Subject: RE: 9300 Old Cutler Road - Maria Avenarius

Good afternoon Diana,

As per our previous internal discussion and the discussions with Miami-Dade County, we need to have the property at 9300 Old Cutler Road, Folio 03-5106-005-0090 (the "Property"), removed from the Hammock Lakes Security District and the Hammock Lake Banyan Drive Security District (the "Districts"). In addition to the Property being removed from the Districts for future bills, there is refund due from last year in the amount of \$1,716.86 (to be confirmed prior to issuance) from the Hammock Lakes Security District. The reasons for these adjustments are as follow:

- <!--[if !supportLists]-->1. <!--[endif]-->This Property does not receive the benefit from either special taxing district as the Property fronts a road that is not within the Districts. The sole means of vehicular access into the Property is from outside of the boundaries of the Districts.
- <!--[if !supportLists]-->2. <!--[endif]-->The Property is not, and never has been, a part of the HOA which initiated the creation of the Districts and the Property was not included in the initial petition process but was accidentally added by the Public Works Department at Miami-Dade County.
- <!--[if !supportLists]-->3. <!--[endif]-->At our meeting with Miami-Dade County it was confirmed that the Property's inclusion was in error and that was evidenced by the County's decision to not charge the Property the assessments for over 10 years due to the mistake. It was only during the transfer process this most recent year that the County,

in error, billed the Property, and that is the reason for the refund due.

This opinion is issued in accordance with Sec. 2-252(e)(1) and (8) of the City Coral Gables Code, giving the City Attorney the authority to issue opinions and interpretations of behalf of the City.

Gustavo J. Ceballos

Assistant City Attorney

City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, Florida 33134

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Email: gceballos@coralgables.com



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From: Gomez, Diana

Sent: Wednesday, September 5, 2018 1:53 PM

To: Ceballos, Gustavo <gceballos@coralgables.com>

Cc: Suarez, Cristina <csuarez@coralgables.com>; Paul Winkeljohn <pwinkeljohn@gmssf.com>

Subject: RE: 9300 Old Cutler Road - Maria Avenarius

Hi Gus,

The attached is just the TRIM notice, not the tax bill... If I get a legal opinion from you guys that it needs to be removed, I will remove it from the assessment roll for the Public Hearing and then will not include it in the roll that I send to the property tax collector so it will not be on their bill in November (agenda goes out tomorrow so I need opinion ASAP so I can remove)... As to the refund, once we get the balance of

funds from the County sometime in October, we will refund. Please state that a refund for last year is due in the legal opinion provided.

Thanks.

Diana M. Gomez
Finance Director
City of Coral Gables
dgomez@coralgables.com
PH: 305.460.5275
FX: 305.460.5376



From: Ceballos, Gustavo
Sent: Wednesday, September 5, 2018 11:46 AM
To: Gomez, Diana <dgomez@coralgables.com>
Cc: Suarez, Cristina <csuarez@coralgables.com>
Subject: 9300 Old Cutler Road - Maria Avenarius

Good morning Diana,

Attached is the tax bill for 9300 Old Cutler Rd, owned by the Maria and Peter Avenarius. This was the property that was determined to not benefit from the special taxing district for the guard house and that the County had not charged in over 10 years as the County has determined it was in error as well. When we spoke with the County they said once it was transferred to us that simply we could remove them from the list which receives the charge. Additionally when we spoke last they had been charged the assessment last year, for the first time in over a decade, and as we discussed we would likely have to determine a manner to issue a refund on the payment made from the district. The current issue is that the full fee appears on their current bill and they are not sure how to proceed. Do we have a mechanism to contact the County in order to have those assessments removed and the bill be resent to the homeowners? Any information is appreciated as they are very concerned and have come to the City multiple times in an attempt to get a resolution.

Thanks!

Gustavo J. Ceballos
Assistant City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, Florida 33134

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