

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 2020-31144, WHICH CREATED, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, AND SUBJECT TO THE APPROVAL OF A MAJORITY OF THE AFFECTED PROPERTY OWNERS, A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS "THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT," FOR A TERM OF TEN (10) YEARS, TO STABILIZE AND IMPROVE THAT CERTAIN AREA OF THE CITY OF MIAMI BEACH HEREIN REFERRED TO AS THE OCEAN DRIVE AND COLLINS AVENUE RETAIL BUSINESS DISTRICT, WHICH DISTRICT IS GENERALLY LOCATED WITHIN A NATIONALLY RECOGNIZED HISTORIC DISTRICT, THROUGH PROMOTION, MANAGEMENT, MARKETING, AND OTHER SIMILAR SERVICES (THE "SERVICES"); PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, IN THE REVISED AMOUNT OF \$2,147,242 PER YEAR, WHICH SHALL INCREASE EACH YEAR ACCORDING TO THE CUMULATIVE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX (CPI) BUT NOT TO EXCEED TWO PERCENT (2%) PER YEAR; INDICATING THE LOCATION, NATURE, AND ESTIMATED COST OF THE SERVICES, WHOSE COSTS ARE TO BE DEFRAID BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE MADE; DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR PUBLICATION OF THIS RESOLUTION, IN ACCORDANCE WITH SECTION 170.05, FLORIDA STATUTES; AUTHORIZING THE CITY ADMINISTRATION TO CAUSE TO BE MADE A PRELIMINARY ASSESSMENT ROLL, IN ACCORDANCE WITH SECTION 170.02, FLORIDA STATUTES; AND UPON COMPLETION OF SUCH PRELIMINARY ASSESSMENT ROLL, PROVIDING THAT SUCH ASSESSMENT ROLL SHALL BE ON FILE WITH THE CITY CLERK'S OFFICE AND OPEN TO THE INSPECTION OF THE PUBLIC.

WHEREAS, Chapter 170, Florida Statutes, authorizes any municipality, subject to the approval of a majority of the affected property owners, to levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail business districts, wholesale business districts, or nationally recognized historic districts, or any combination of such districts, through promotion, management, marketing, and other similar services; and

WHEREAS, on December 17, 2014, the Mayor and City Commission adopted Resolution No. 2014-28881, which originally contemplated establishment of a special assessment district, pursuant to Chapter 170, Florida Statutes, initially limited to a boundary encompassing solely the Ocean Drive retail business district. Following adoption of Resolution No. 2014-28881, a steering committee of property owners requested that the City Commission expand the proposed special assessment district, to include the Collins Avenue corridor, bounded on the south by 5th Street, and extending northward up to and including 21st Street; and

WHEREAS, on September 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30487, which, in pertinent part, authorized the Offices of the City Manager and City

Attorney to work with a steering committee of Ocean Drive and Collins Avenue property owners for the purpose of establishing a special assessment district, pursuant to Chapter 170, Florida Statutes, to stabilize and improve the Ocean Drive and Collins Avenue retail business district, comprised of that certain area generally bounded on the north by the northern boundary lines of the properties located at 1601 Collins Avenue and 1610 Collins Avenue; and on the south by 5th Street; which district is generally located within a nationally recognized historic district; through promotion, management, marketing, and other similar services; and

WHEREAS, on January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31144, which created, pursuant to Chapter 170, Florida Statutes, and subject to approval by a majority of the affected property owners, a special assessment district to be known as the South Beach Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve that certain area of the City of Miami Beach referred to as the Ocean Drive and Collins Avenue retail business district, which district is generally located within a nationally recognized historic district, through promotion, management, marketing, and other similar services; and

WHEREAS, on February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31168, calling for a special mail ballot election (the "Election") to be held from June 1, 2020, to August 31, 2020, to determine whether a majority of affected property owners approve the District's creation; and

WHEREAS, on April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31236, repealing Resolution No. 2020-31168, in the interest of public health, safety, and welfare, due to the rapidly spreading COVID-19 pandemic (Resolution No. 2020-31236 is attached hereto as Exhibit "A"); and

WHEREAS, the proponents of the creation of the District have now requested that the City resume the process to create the District; and

WHEREAS, the special assessments levied within the District, to be known as the "South Beach Business Improvement District," shall be used to provide the services described in Exhibits "B" and "C", attached hereto and incorporated herein (the "Services"); and

WHEREAS, the District is generally bounded on the north by the northern boundary lines of the properties located at 1601 Collins Avenue and 1610 Collins Avenue, and on the south by 5th Street, and consists of properties abutting Collins Avenue and Ocean Drive; provided, however, that the following properties shall be excluded and exempted from the District: (1) residential properties; (2) common areas owned by condominium associations; (3) any property owned by a City, County, State, or Federal governmental entity or school district; (4) any property owned or occupied by a religious institution and used as a place of worship or education (as defined in Section 170.201(2), Florida Statutes); and (5) properties that are 60 square feet or less in size; and

WHEREAS, an assessment plat of the proposed District, showing the areas to be assessed, as required by Section 170.04, Florida Statutes, is on file with the Office of the City Clerk, attached to this Resolution as Exhibit "F", and available for inspection by the public; and

WHEREAS, the Mayor and City Commission hereby determine that it is in the best interest of the City, and of the District, to provide, or cause to be provided, the Services for the District and, as such, wish to defray the cost of the Services by levying special assessments upon the affected properties within the District ("Assessments"); and

WHEREAS, the Mayor and City Commission further determine that special benefits shall accrue to the properties within the District from the Services, and that the Assessments shall be made in proportion to the benefits received; and

WHEREAS, an estimated budget outlining the proposed Services and estimated costs thereof, is attached as Exhibit "B", and, pursuant to Section 170.04, Florida Statutes, is on file with the City Clerk's Office, and is available for inspection by the public; and

WHEREAS, the Mayor and City Commission have determined that the Assessments to be levied shall not exceed the special benefits to the affected properties within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: All findings and recitals contained in this Resolution are hereby adopted and incorporated herein.

SECTION 2: Pursuant to the provisions of Chapter 170, Florida Statutes, the Mayor and City Commission hereby authorize a special assessment to be levied and collected, and hereby create a special assessment district, to be known as the "South Beach Business Improvement District," for a term of ten (10) years, subject to the approval of the majority of the affected property owners in the District, for the purposes of stabilizing and improving the Ocean Drive and Collins Avenue retail business district, which is generally located within a nationally recognized historic district, through promotion, management, marketing, and other similar services.

SECTION 3: The boundaries of the proposed District are as follows: All lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the Assessment Plat, attached hereto and incorporated herein as Exhibit "F."

SECTION 4: The nature of the Services is set forth in Exhibit "C," attached hereto and incorporated herein.

SECTION 5: The total estimated cost of the Services to be funded by the proposed Assessments is approximately \$2,147,242 per year.

SECTION 6: The Assessments shall be levied in accordance with the applicable provisions of Chapter 170, Florida Statutes, for the purposes of defraying the cost of the Services, as described in Exhibits "B" and "C", and in accordance with the assessment methodologies in Exhibit "D," attached hereto and incorporated herein.

SECTION 7: At the time of adoption of the Resolution by the Mayor and City Commission, there shall be on file with the City Clerk the Assessment Plat, showing the area to be assessed

(attached hereto as Exhibit "F"); a description of the Services; and an estimate of the cost of the Services, which documents shall be open to inspection by the public.

SECTION 8: Following approval of this Resolution, the City Administration is hereby authorized and directed to cause to be made a preliminary assessment roll, as promptly as possible, which shall show the properties assessed by folio number; the amount of benefit to each property; and the special assessments against each property assessed by folio number. (A draft preliminary assessment roll is attached as Exhibit "E".)

SECTION 9: The assessment shall be payable in one installment per year to the Finance Director of the City, or the Finance Director's designee, on such date as shall be contained in a bill to be mailed to each property owner within the District at least thirty (30) days prior to the due date, and following the confirmation by the Mayor and City Commission of the Final Assessment Roll. Installments not paid when due shall become due and payable in accordance with statutory provisions and shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid, and shall bear interest, at such rate or rates as specified in Section 170.09, Florida Statutes.

SECTION 10: Upon completion of the preliminary assessment roll, the Mayor and City Commission shall adopt a subsequent Resolution to fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the Mayor and City Commission and be heard as to the propriety and advisability of the Assessments or the provision of the Services, the costs thereof, the manner of payment therefor, or the amount thereof to be assessed against each property so serviced, all in accordance with Chapter 170, Florida Statutes.

SECTION 11: The City Clerk is hereby directed to cause this Resolution to be published one time in a newspaper of general circulation published in the City.

SECTION 12: The Resolution shall become effective upon the date of its adoption herein, provided, however, that if the proposed special assessment does not receive the approval of a majority (50% plus one) of the affected property owners pursuant to an election to be duly conducted by the City Clerk, the Resolution shall be null and void.

PASSED and ADOPTED this ____ day of _____ 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

(Sponsored by Commissioner Joseph Magazine; and Co-sponsored by Mayor Steven Meiner, Commissioner Tanya K. Bhatt, Commissioner Laura Dominguez, Commissioner Kristen Rosen Gonzalez, Commissioner Alex Fernandez, and Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
9/2/2024
Date
NK