

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RENEWING, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, AND SUBJECT TO THE APPROVAL OF A MAJORITY OF THE AFFECTED PROPERTY OWNERS, THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE LINCOLN ROAD BUSINESS IMPROVEMENT DISTRICT, WHICH IS SET TO EXPIRE IN 2025, FOR AN ADDITIONAL TERM OF TEN (10) YEARS, TO STABILIZE AND IMPROVE THE LINCOLN ROAD RETAIL BUSINESS DISTRICT, WHICH IS 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 AMOUNT OF \$1,570,117 IN THE FIRST YEAR, WHICH SHALL INCREASE BY THREE (3%) PERCENT EVERY 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 AND 170.06, FLORIDA STATUTES; AND UPON COMPLETION OF SUCH PRELIMINARY ASSESSMENT ROLL, PROVIDING THAT SUCH ASSESSMENT ROLL SHALL BE ON FILE WITH THE OFFICE OF THE CITY CLERK 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, in such districts of the municipality; and

WHEREAS, on April 15, 2015, the Mayor and City Commission adopted Resolution No. 2015-28992, creating the special assessment district now known as the Lincoln Road Business Improvement District, for a period of ten (10) years, to stabilize and improve the Lincoln Road retail business district, which is located within a nationally recognized historic district, through promotion, management, marketing, and other similar services; and

WHEREAS, the Lincoln Road Business Improvement District is set to expire in 2025, unless renewed by the City Commission, subject to the approval by a majority of the affected property owners; and

WHEREAS, on February 21, 2024, the Mayor and City Commission adopted Resolution No. 2024-32911 which, in pertinent part, authorized the Offices of the City Manager and City Attorney to work with the Lincoln Road Business Improvement District, Inc. (the "Lincoln Road BID"), for the purpose of establishing a special assessment district, pursuant to Chapter 170, Florida Statutes, to stabilize and improve the Lincoln Road retail business district, through promotion, management, marketing, and other similar services (Resolution No. 2024-32911 is attached hereto as Exhibit "A"); and

WHEREAS, subject to the approval of a majority of the affected property owners, the special assessments levied within the proposed special assessment district, known as the "Lincoln Road Business Improvement District" (the "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 shall consist of those commercial properties bounded on the west by Alton Road; on the east by Washington Avenue; on the north by 17th Street; and on the south by Lincoln Lane South; provided, however, that the following properties shall be excluded and exempted from the District: (1) residential properties; (2) 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 (3) common areas owned by condominium associations; and

WHEREAS, an assessment plat of the proposed District, showing the areas to be assessed, as required in section 170.04, Florida Statutes, is on file with the Office of the City Clerk where it is available for inspection by the public, and is also attached hereto and incorporated herein as Exhibit "E"; and

WHEREAS, the Mayor and City Commission hereby determine that it is in the best interest of the City, and that 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"), which Assessments shall increase every year by three percent (3%); 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 Year One budget outlining the proposed Services and estimated costs thereof, is attached hereto 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 renew the special assessment district, known as the "Lincoln Road Business Improvement

District," for a term of ten (10) years, subject to the approval of a majority of the affected property owners in the District, for the purposes of stabilizing and improving the Lincoln Road retail business district, which is 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 "E".

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 \$1,570,117 for the first year and shall increase by three (3%) percent each year thereafter.

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 the Year 1 Budget, and in accordance with the Budget and Services Narrative, attached as Exhibits "B" and "C" hereto and incorporated herein.

SECTION 7: At the time of adoption of the Resolution by the Mayor and City Commission, the Exhibits to this Resolution shall be on file with the City Clerk and open to inspection by the public including: the Assessment Plat, showing the area to be assessed; a description of the Services; and an estimate of the cost of the Services.

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 hereto as Exhibit "D".

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: This 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 of the affected property owners (fifty (50%) percent plus one), 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 Steven Meiner and co-sponsored by Commissioner Laura Dominguez, Commissioner Kristen Rosen Gonzalez, Commissioner Alex Fernandez, and Commissioner Joseph Magazine)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

7/23/2024

Date