

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, RE-ESTABLISHING AND SUPPORTING THE CONTINUATION OF THE SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE BUSINESS IMPROVEMENT DISTRICT (“BID”) OF CORAL GABLES, FOR A PERIOD OF FIVE YEARS, SUBJECT TO APPROVAL BY A MAJORITY OF THE AFFECTED PROPERTY OWNERS; PROVIDING FOR AN UPDATED VOTING PROCEDURE FOR ASCERTAINING WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE CONTINUED EXISTENCE OF THE BID; PROVIDING FOR LEVY OF SPECIAL ASSESSMENTS THEREOF; PROVIDING FOR LOCATION, NATURE AND ESTIMATED COST OF SERVICES TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURE AND FUTURE INCREASES; AND PROVIDING FOR PUBLICATION OF LEGAL NOTICE.

WHEREAS, Chapter 170 of the Florida Statutes provides that a municipality in Miami-Dade County may levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail business districts through promotion, management, marketing, and other similar services in such districts of the municipality; and

WHEREAS, the BID has been in place since its creation on April 15, 1997, by Resolution No. 29246, and was reaffirmed by Resolution on May 14, 2002, May 22, 2007, May 22, 2012 and June 13, 2017 for subsequent periods of five (5) years each; and

WHEREAS, the BID concept is based on a partnership between the City of Coral Gables (the “City”), the property owners, merchants, businesses and organizations such as the Chamber of Commerce, with funding to be generated by a special assessment to be levied on property owners within the district in a specified geographic area, and with property owners agreeing to assess themselves to pay for supplemental services which are to be determined by said property owners; and

WHEREAS, the five (5) year time period for the Coral Gables BID expires this year, and the City Commission supports its continued existence, subject to the approval of the affected property owners; and

WHEREAS, in Resolution 2022-95 the City created the BID for an additional 5 year period subject to approval of the majority of the affected property owners ; and

WHEREAS, according to the BID following that resolution the BID sent 178 petitions to property owners and as of July 15, 2022 had received 91 petitions in favor, with 87 unreturned, which are counted as votes against the continued existence of the BID: and

WHEREAS, during the June 28th City Commission meeting the City Commission discussed the current petition process, and following discussion with the BID Executive Director and various residents, the Commission voted to cancel the current petition process; directed City staff to return with alternative methods of determining support for the continued existence of the BID; and directed to staff to review some of the concerns raised by residents and the Commission; and

WHEREAS, the boundaries of the proposed Coral Gables BID include only those properties and uses subject to real estate taxes excluding residential property and churches, and further excluding City-owned municipal use property (with the exception of for-profit tenants leasing space in City facilities), and 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 hereinafter provided, which include all of the commercial properties on Miracle Mile, from Douglas Road to Le Jeune Road; on both sides of the street on Giralda Avenue, Aragon Avenue and Andalusia Avenue from Douglas Road to Le Jeune Road and all adjacent north-south streets such as Salzedo, Ponce de Leon Blvd. and Galiano;

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That pursuant to the provisions of Chapter 170, Florida Statutes, a special assessment district is hereby extended for a period of five (5) years, to continue to be known as the Business Improvement District of Coral Gables, with boundaries to be as hereinabove set forth, which shall be subject to approval by a majority of the affected property owners in said district, for the purpose of stabilizing and improving retail business in the designated area through promotion, management, marketing, and other similar services, and further, that the preamble hereinabove stated is hereby incorporated as part of the recitals contained herein.

SECTION 3. That in order to determine whether a majority of affected property owners approve of the creation and continued existence of the BID for a five year period, the Commission directs that :

The City (or BID) shall mail ballots to all affected property owners located within the BID district. There will be a 60-day mail in ballot period beginning August XX, 2022. A 50% plus one-majority vote of affected property owners is required for BID approval. A non-vote or failure to return the ballot will be considered a “no” vote. Property owners are entitled to one vote per non-exempt folio located within the BID district. This includes individual condominium units with separate folio numbers. If the majority of property owners approve the continued existence of the BID, then the bill for the assessment, as calculated based on the ground square lot coverage of each property, shall be mailed to

each property owner, by folio number, including each condominium unit owner. The assessment bill mailed to condominium unit owners shall be based on a percentage ownership as recorded in the official records of Miami-Dade County.

SECTION 4. That the CITY/BID shall be responsible for sending and collecting the ballots as specified above.

SECTION 5. That the purpose and responsibilities of the BID may be expanded by the City Commission pursuant Resolution.

SECTION 6. That the BID upon which the assessments shall be levied, shall incorporate the total area set forth in the map attached as **Exhibit "A,"** which is attached and incorporated herein.

SECTION 7. That the total estimated cost of the assessments is approximately \$1,066,316.09 and special assessments shall be levied in accordance with the enabling statutory provision for the purpose of defraying a portion of the cost of services and based on an assessment methodology as set forth in **Exhibit "B,"** attached and incorporated herein. That, annually, the City Commission will consider whether to implement the allowable four percent assessment increase. The City Commission shall vote and direct staff via Resolution each August if the increase should be implemented for the following assessment year.

SECTION 8. That the BID shall include a five (5) year sunset provision whereby another vote would be required in five years, with the BID Board of Directors reporting annually on goals and objectives accomplished and annual budget allocations.

SECTION 9. That assessments shall be payable to the Finance Director of the City on such date as shall be contained in a bill to be mailed to each property owner within the BID at least thirty (30) days prior to the due date, and within thirty (30) days following the confirmation by the Commission of the Final Assessment Roll; installments not paid when due shall become due and payable in accordance with statutory provisions and other applicable law.

SECTION 10. That there shall be on file with the City Clerk at the time of the adoption of this Resolution, an assessment plat showing the areas to be assessed, the details of the proposed program, and a cost estimate, which shall be open to inspection by the public. Attached here as **Exhibit "C"**.

SECTION 11. That there shall also be on file with the City Clerk a Preliminary Assessment Roll showing the lots to be assessed, the amount of benefit to the properties to be assessed, and the assessments against each lot, which shall be considered at a public hearing to be held by the City Commission following approval by a majority of the affected property owners, at a time and place to be set by a separate Resolution, at which time the Commission will hear all

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY