

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-144 (AS AMENDED)

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, CREATING A 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 ELECTRONIC VOTING AS THE METHOD 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 FOR AN EXPANSION OF DUTIES AND RESPONSIBILITIES; PROVIDING DETAILS OF ASSESSMENT PROCEDURE; 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 and May 22, 2012 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 City Commission may, by resolution, expand the purpose and responsibilities of the BID from time to time to include, but not limited to, the duties to maintain the public areas as provided by Article IV of the City Code; 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 the absence of a specific voting method of ascertaining whether the majority of the affected property owners within the Coral Gables BID favor re-establishment of the BID, that the City Clerk, as Supervisor of Elections has opted for electronic voting as an appropriate method to determine same; 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 created for a period of five (5) years, 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 the purpose and responsibilities of the BID may be expanded by the City Commission pursuant to a resolution to include, but not limited to, the duties to maintain the public areas as provided by Chapter 62, Article IV of the City Code

SECTION 4. 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 5. That the total estimated cost of the proposed services is approximately \$960,000.00 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.

SECTION 6. 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 7. 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 8. 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.

SECTION 9. 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 parties in regard to the proposed assessment, and after making any adjustments the Commission may deem appropriate, the Final Assessment. The Final Assessment Roll will be confirmed by resolution of the City Commission.

SECTION 10. That the resolution herein creating a special assessment district shall be advertised following its adoption herein.

SECTION 11. That City staff is hereby authorized and directed to take all actions necessary to carry out the intent of this resolution, including any action appropriate in connection with notifying the affected property owners.

SECTION 12. That this resolution shall become effective upon the date of its adoption herein; provided however, that if the proposed assessment district does not receive the approval by a majority of the affected property owners through the electronic voting method to be duly conducted by the City Clerk, this resolution shall be null and void.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF JUNE, A.D.,
2017.

(Moved: Quesada / Seconded: Keon)
(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: K-1)

APPROVED:


RAÚL VALDÉS-FAULI
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY