

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH AND MIDDLE BEACH PARTNERSHIP INC. (THE "BID"), TO CONDUCT A SPECIAL MAIL BALLOT ELECTION TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE 41<sup>ST</sup> STREET BUSINESS IMPROVEMENT DISTRICT, WHICH ELECTION SHALL BE CONDUCTED BY THE OFFICE OF THE CITY CLERK AND OFFICE OF THE CITY ATTORNEY, AND TO PROVIDE THAT THE BID SHALL COVER THE COSTS OF CONDUCTING SUCH ELECTION.**

**WHEREAS**, on March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32544, 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 41<sup>st</sup> Street 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 herein referred to as the 41<sup>st</sup> Street retail business district, which District is generally bounded on the west by Alton Road, on the east by Indian Creek Canal, and consists of properties abutting West 41<sup>st</sup> Street/Arthur Godfrey Road, through promotion, management, marketing, and other similar services; and provided for the levy and collection of special assessments, which shall increase by five (5%) percent every two (2) years; and

**WHEREAS**, the Mayor and City Commission have called for a special mail ballot election (the "Election") to determine whether a majority of the affected property owners approve the creation of the District; and

**WHEREAS**, the City and Middle Beach Partnership, Inc., a Florida not-for-profit corporation (the "BID"), desire to enter into a Memorandum of Understanding ("MOU"), attached as Exhibit "A" hereto, pursuant to which the City shall agree to conduct the Election, and the BID shall agree to cover the City's costs of the Election, including the City's staff costs, as well as the cost of postage, printing, mailing, supplies, advertising, and translation; and

**WHEREAS**, the Office of the City Clerk and Office of the City Attorney shall conduct the Election; and

**WHEREAS**, the Office of the City Clerk and Office of the City Attorney have prepared special mail ballot election procedures for the Election, which procedures shall be incorporated in the MOU.

**NOW, THEREFORE, THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby approve and authorize the City Manager to execute a Memorandum of Understanding between the City of Miami Beach and Middle Beach Partnership, Inc. (the "BID"), to conduct a special mail ballot election to determine whether a majority of the affected

property owners approve the creation of a special assessment district to be known as the 41<sup>st</sup> Street Business Improvement District, which election shall be conducted by the Office of the City Clerk and Office of the City Attorney, and to provide that the BID shall cover the costs of conducting such election.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK      4-19-23  
Date