

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON JULY 26, 2023, AT 5:03 P.M., SUBJECT TO THE APPROVAL OF A MAJORITY OF THE AFFECTED PROPERTY OWNERS IN THE SPECIAL MAIL BALLOT ELECTION TO BE HELD IN THE CITY OF MIAMI BEACH FROM JUNE 5, 2023 TO JUNE 27, 2023, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE 41ST STREET BUSINESS IMPROVEMENT DISTRICT; SAID PUBLIC HEARING FOR THE OWNERS OF THE PROPERTY TO BE ASSESSED OR ANY OTHER INTERESTED PERSONS TO BE HEARD BY THE MAYOR AND CITY COMMISSION AS TO THE PROPRIETY AND ADVISABILITY OF MAKING SUCH IMPROVEMENTS AND PROVIDING SUCH SERVICES (AND FUNDING THE AFOREMENTIONED WITH SPECIAL ASSESSMENTS ON PROPERTY), AS TO THE COST THEREOF, AS TO THE MANNER OF PAYMENT THEREFOR, AND AS TO THE AMOUNT TO BE ASSESSED AGAINST EACH AFFECTED PROPERTY SO IMPROVED, FOLLOWING WHICH THE MAYOR AND CITY COMMISSION SHALL MEET AS AN EQUALIZING BOARD TO HEAR AND CONSIDER ANY AND ALL COMPLAINTS AS TO THE SPECIAL ASSESSMENTS AND TO ADJUST AND EQUALIZE THE ASSESSMENTS ON A BASIS OF JUSTICE AND RIGHT.

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 41st 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 41st Street Business Improvement 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 41st Street/Arthur Godfrey Road, through promotion, management, marketing, and other similar services; and which provides for the levy and collection of special assessments, which shall increase by five (5%) percent every two (2) years; and

WHEREAS, on April 28, 2023, the Mayor and City Commission adopted Resolution No. 2023-32566, which called for a special mail ballot election (the "Election"), to be held from June 5, 2023 to June 27, 2023, to determine whether a majority (50% plus one) of the affected property owners approve the creation of the District; and

WHEREAS, on June 27, 2023, at 6:00 p.m., the Canvassing Board will tabulate and certify the results of the Election, after which the Official Election Certification of the Canvassing Board shall be adopted by Resolution of the Mayor and City Commission; and

WHEREAS, subject to the approval of a majority of the affected property owners in the Election, pursuant to Chapter 170, Florida Statutes, the City Commission must fix a time and place at which the owners of the affected property to be assessed or any other interested persons may appear before the Mayor and City Commission and be heard as to the propriety and advisability of making such improvements and providing such services (and funding the

aforementioned with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each affected property so improved; and

WHEREAS, following the testimony, the Mayor and City Commission shall make a final decision on whether to levy the special assessments; and

WHEREAS, thereafter, pursuant to Chapter 170, Florida Statutes, the Mayor and City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby set a public hearing on July 26, 2023, at 5:03 p.m., subject to the approval of a majority of the affected property owners in the special mail ballot election to be held in the City of Miami Beach from June 5, 2023 to June 27, 2023, to determine whether a majority of the affected property owners approve the creation of a special assessment district to be known as the 41st Street Business Improvement District; said public hearing for the owners of the property to be assessed or any other interested persons to be heard by the Mayor and City Commission as to the propriety and advisability of making such improvements and providing such services (and funding the aforementioned with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount to be assessed against each affected property so improved, following which the Mayor and City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and to adjust and equalize the assessments on a basis of justice and right.

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

5-9-23

Date