

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING, FOLLOWING A DULY NOTICED PUBLIC HEARING PURSUANT TO SECTIONS 170.07 AND 170.08, FLORIDA STATUTES, THE FINAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE 41ST STREET BUSINESS IMPROVEMENT DISTRICT, AND CONFIRMING SUCH ASSESSMENTS AS LEGAL, VALID, AND BINDING FIRST LIENS UPON THE PROPERTY AGAINST WHICH SUCH ASSESSMENTS ARE MADE UNTIL PAID.

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 percent (5%) 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 of the affected property owners approved the creation of the District; and

WHEREAS, pursuant to the results of the Election, a majority of the affected property owners approved the creation of the District, as follows: thirty-four (34) ballots were cast in favor of the creation of the District, nine (9) ballots were cast in opposition to the creation of the District, one (1) ballot was rejected as improperly cast, and eighteen (18) ballots were not returned; and

WHEREAS, on June 28, 2023, and after the conclusion of the Election, the Mayor and City Commission adopted Resolution No. 2023-32630, adopting the Official Election Certification of the Canvassing Board for the Election; and

WHEREAS, pursuant to Sections 170.07 and 170.08, Florida Statutes, the Mayor and City Commission held a duly noticed public hearing on July 26, 2023, for the owners of the property to be assessed or any other interested persons to appear before the Mayor and City Commission and be heard as to the propriety and advisability of making the improvements and providing the services (and funding them 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 property so improved; and

WHEREAS, following the testimony, the Mayor and City Commission voted to levy the special assessments; and

WHEREAS, thereafter, pursuant to Section 170.08, Florida Statutes, the City Commission met 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, following which the Mayor and City Commission approved the final assessment roll; and

WHEREAS, the final assessment roll for the District is attached hereto and incorporated herein as Exhibit "A".

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 approve, following a duly noticed public hearing pursuant to sections 170.07 and 170.08, Florida Statutes, the final assessment roll for the special assessment district known as the 41st Street Business Improvement District, and confirm such assessments as legal, valid, and binding first liens upon the property against which such assessments are made until paid.

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

7-14-23
Date