

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO INITIATE THE CREATION, PURSUANT TO CHAPTER 170 OF THE FLORIDA STATUTES, OF SPECIAL ASSESSMENT DISTRICTS TO FUND THE RELOCATION UNDERGROUND OF OVERHEAD UTILITIES IN THE FOLLOWING NEIGHBORHOODS: 1) ALTON ROAD BETWEEN MICHIGAN AVENUE AND 41<sup>ST</sup> STREET; 2) ALTON ROAD BETWEEN 41<sup>ST</sup> STREET AND 63<sup>RD</sup> STREET; AND 3) NORTH BAY ROAD BETWEEN 44<sup>TH</sup> STREET AND 64<sup>TH</sup> STREET, INCLUDING PINE TREE DRIVE CIRCLE.**

**WHEREAS**, Chapter 170 of the Florida Statutes authorizes any municipality to levy special assessments to pay for the relocation of utilities, including the underground placement of electrical, telephone, and cable television services, pursuant to voluntary agreements with the respective utilities; and

**WHEREAS**, the relocation underground of utilities protects utility services during severe weather conditions, and enhances the aesthetic appearance of neighborhoods; and

**WHEREAS**, in the aftermath of Hurricane Irma in 2017, many City residents expressed a desire for the City to explore the prospect of the undergrounding of utilities in the following neighborhoods: 1) Alton Road between Michigan Avenue and 41<sup>st</sup> Street; 2) Alton Road between 41<sup>st</sup> Street and 63<sup>rd</sup> Street; and 3) North Bay Road between 44<sup>th</sup> Street and 64<sup>th</sup> Street, including Pine Tree Drive Circle; and

**WHEREAS**, pursuant to the recommendation of the Finance and Citywide Projects Committee, the Mayor and City Commission adopted Resolution No. 2017-30058 on October 18, 2017 approving a non-binding questionnaire to the above-referenced three neighborhoods regarding the potential creation of special assessment districts to fund the undergrounding of utilities in these neighborhoods; and

**WHEREAS**, the City mailed out the questionnaire to properties located in the three neighborhoods, which questionnaires were requested to be returned by March 7, 2018; and

**WHEREAS**, the cumulative results of the questionnaires for the three neighborhoods revealed that, of the 41.7% that responded, 87.5% were in favor of undergrounding utilities in their neighborhood; and

**WHEREAS**, pursuant to the election requirement imposed by the City Commission in or about 2002, and as a condition precedent to the final establishment of any such special assessment district to fund the undergrounding of utilities, at least sixty percent (60%) of the benefited property owners within such district must vote in favor of its establishment and of the levy of special assessments to fund the project.

**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 authorize the City Manager and City Attorney to initiate the creation, pursuant to Chapter 170 of the Florida Statutes, of special assessment districts to fund the relocation underground of overhead utilities in the following neighborhoods: 1) Alton Road between Michigan Avenue and 41<sup>st</sup> Street; 2) Alton Road between 41<sup>st</sup> Street and 63<sup>rd</sup> Street; and 3) North Bay Road between 44<sup>th</sup> Street and 64<sup>th</sup> Street, including Pine Tree Drive Circle.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

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

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Rafael E. Granado, City Clerk

(Sponsored by Commissioner John Elizabeth Alemán)

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