

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION 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.**

**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 Business Improvement District, through promotion, management, marketing, and other similar services; 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**, pursuant to Resolution No. 2023-32566, the Mayor and City Commission designated Rafael E. Granado, City Clerk; Faroat Andasheva, Senior Assistant City Attorney; and Rogelio A. Madan, Development & Resiliency Officer, Planning Department, to serve as the members of the Canvassing Board for the Election; and

**WHEREAS**, on June 27, 2023, at 6:00 p.m., the Canvassing Board tabulated and certified the results of the Election; and

**WHEREAS**, 34 ballots were cast in favor of the creation of the District, 9 ballots were cast in opposition to the creation of the District, 1 ballot was rejected as improperly cast, and 18 ballots were not returned; and

**WHEREAS**, the Official Election Certification of the Canvassing Board is attached hereto and incorporated herein as Exhibit "A"; and

**WHEREAS**, on May 17, 2023, and pursuant to Chapter 170, Florida Statutes, the City Commission adopted Resolution No. 2023-32601, 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 Election, at which public hearing the owners of the property to be assessed

or any other interested persons may appear before the City Commission and be heard as to the propriety and advisability of making such improvements and providing such 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 shall make a final decision on whether to levy the special assessments; and

**WHEREAS**, thereafter, pursuant to Chapter 170, Florida Statutes, the 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 adopt the Official Election Certification of the Canvassing Board for the Special Mail Ballot Election 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 41<sup>st</sup> Street Business Improvement District.

**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

6-28-23  
\_\_\_\_\_  
Date