

PUBLIC NOTICE  
CITY OF MIAMI, FLORIDA

Resolution R-18-0294, adopted by the Miami City Commission on July 12, 2018, is being published in accordance with Section 170.05, Florida Statutes.

RESOLUTION R-18-0294

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RE-ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE COCONUT GROVE BUSINESS IMPROVEMENT DISTRICT ("BID") AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF TEN (10) YEARS, SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS FOR THE CONTINUED EXISTENCE OF THE BID; PROVIDING FOR THE NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE; PROPOSING AND RECOMMENDING AMENDING THE COMPOSITION OF THE BID BOARD OF DIRECTORS; AUTHORIZING AND DIRECTING THE CITY MANAGER, THE CITY CLERK, THE FINANCE DIRECTOR, THE BID EXECUTIVE DIRECTOR, BID BOARD MEMBERS, AND ALL OTHER NECESSARY CITY OFFICIALS, AFTER CONSULTATION WITH THE CITY ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE AND INTENT SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES.

WHEREAS, Chapter 170, Florida Statutes, provides that a municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against properties benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts; and

WHEREAS, on July 24, 2008, the City Commission adopted Resolution No. 08-0455 creating the Coconut Grove Business Improvement District ("BID"), subject to the approval of a majority of the affected property owners, for a period of ten (10) years; and

WHEREAS, following approval by a majority of the affected property owners and other statutory prerequisites as set forth in Chapter 170, Florida Statutes, the City Commission, on February 12, 2009, adopted Resolution No. 09-0076 confirming the creation of the BID and the levy and collection of a special assessment for a period of ten (10) years within the BID's boundaries; and

WHEREAS, the Board of Directors of the BID ("BID Board") was established to stabilize and improve retail and other business in the areas described in Sections 35-221 and 54-341 of the Code of the City of Miami, Florida, as amended ("City Code"), and the assessed area known as the BID, as more particularly described in Resolution No. 08-0455 and confirmed in Resolution No. 09-0076, through promotion, management, marketing, and other similar services, including but not limited to, coordination, funding, implementation and maintenance of infrastructure improvements, and other projects; and

WHEREAS, the BID has developed a variety of programs to keep the BID clean and secure, fund marketing projects, sponsor special events, beautify the streetscapes, make capital improvements, collect and disseminate economic development research, facilitate access to parking, foster new business relationships, and partner with national, state, and local organizations; and

WHEREAS, the BID assists the City by handling basic, services including security, sanitization, and beautification in addition to subsidizing major capital improvement projects; and

WHEREAS, it is in the best interest of the property owners and merchants located within the BID boundaries to maintain the services that the Grove residents and BID stakeholders have enjoyed for the last ten (10) years and have come to expect; and

WHEREAS, on June 11, 2018, the BID Board recommended that the BID be renewed, subject to approval by a majority of the affected property owners, for an additional ten (10) year period; and

WHEREAS, on June 11, 2018, the BID Board also proposed and recommended that Chapter 2, Article XI, Division 17, entitled "Coconut Grove Business Improvement District Board (Bid Board)" be amended to (i) reduce the BID Board from nineteen (19) Directors to nine (9) Directors who shall be representative of various business interests in the District, (ii) of the nine (9) seats on the BID Board, the following seats shall be filled as follows:

- 1) The Commissioner of District 2,
- 2) One self-identified representative of the Miami Parking Authority,
- 3) One self-identified representative of the Mayfair in the Grove,
- 4) One self-identified representative of CocoWalk, and

(iii) of the nine (9) seats on the BID Board, five (5) seats shall, in accordance with the BID Board's By-laws, be elected and the members of those seats, to the extent practical, shall represent hotel, restaurant, office, and retail properties, or property owners; and

WHEREAS, the boundaries of the proposed BID are as follows:

All lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby, and further designated by the assessment plat, attached hereto as composite Exhibit "A," attached and incorporated, which include all of the commercial properties consisting of an eighteen (18) block area of the central commercial core of Coconut Grove on the properties abutting:

- i) the north side of South Bayshore Drive from Darwin Street to McFarlane Road,
- ii) McFarlane Road from South Bayshore Drive to Main Highway,
- iii) Main Highway from McFarlane Road to Franklin Avenue including the single commercial property just south of Franklin Avenue,
- iv) Commodore Plaza,
- v) Fuller Street,
- vi) Grand Avenue from Margaret Street to Mary Street,
- vii) the west side of Matilda Street from Grand Avenue to Florida Avenue,

- viii) Virginia Street from Grand Avenue to Oak Avenue,
- ix) Mary Street from South Bayshore Drive to Oak Avenue,
- x) Oak Avenue from Virginia Street to Mary Street,
- xi) Tigertail Avenue from Mary Street to Darwin Street,
- xii) S.W. 27<sup>th</sup> Avenue from Tigertail Avenue to South Bayshore Drive, and
- xiii) the west side of Darwin Street from Tigertail Avenue to South Bayshore Drive; and

WHEREAS, although included within the boundaries described above and in composite Exhibit "A," attached and incorporated, is property owned or occupied by the City, other governmental entities, churches (used for religious purposes), libraries, not-for-profit organization property (used for their related charitable purposes), the condominium hotels known as the Commodore Inn, the Mayfair Hotel & Spa, the Sonesta Bayfront Hotel, the Mutiny Hotel, and the Ritz-Carlton Coconut Grove, and residential property, said properties are exempt from the assessment, except to the extent any such property wishes to include themselves within the BID; and

WHEREAS, the boundaries of the proposed BID include only commercial property and not-for-profit property used for commercial purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Pursuant to the provisions of Chapter 170, Florida Statutes, a special assessment is hereby authorized to be levied and collected and a special assessment district to be known as the BID is hereby renewed for a period of ten (10) years, with boundaries to be as set forth in composite Exhibit "A," attached and incorporated, subject to the approval of a majority of affected property owners in said BID, for the purposes of stabilizing and improving retail business in said BID through promotion, management, marketing, and other similar services.

Section 3. The total estimated cost of the services to be funded by the proposed special assessments is approximately Four Hundred Ninety-Four Thousand, Six Hundred Ninety-Five Dollars (\$494,695.00) per year and special assessments shall be levied in accordance with the applicable provisions of Chapter 170, Florida Statutes, for the purposes of defraying a portion of the costs of services, programs, and projects and based on the proposed Business Plan and Budget, attached hereto as composite Exhibit "B" and based upon the assessment methodologies by categories, as set forth in Exhibit "C," both attached and incorporated.

Section 4. The assessment shall be payable to the Finance Director of the City, on such date as shall be contained in a bill to be mailed to each property owner within the BID at least thirty (30) days prior to the due date and within thirty (30) days following the confirmation by the City Commission of the Final Assessment Roll.

Section 5. Installments not paid when due shall become due and payable in accordance with statutory provisions and shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and

claims until paid and shall bear interest at such rate or rates as specified in Section 170.09, Florida Statutes.

Section 6. The assessment levied against a benefited property upon the approval of a majority of affected property owners shall be prorated based on the number of days remaining in the fiscal year from the date the Final Assessment Roll is confirmed by Resolution of the City Commission, pursuant to Chapter 170, Florida Statutes, minus any assessments already collected, if any, in the same fiscal year prior to the date the Resolution confirming the Final Assessment Roll is adopted.

Section 7. The proposed BID area upon which the special assessments shall be levied, subject to the approval of a majority of affected property owners, shall incorporate the total area set forth in the map attached and incorporated as Exhibit "A-1" and shall reflect the geographic boundaries description, as set forth in Exhibit "A-2," both attached hereto and incorporated.

Section 8. The special assessment shall be levied and collected for a ten (10) year period and another petition and affidavit in support of the BID by the affected property owners would be required prior to the termination of such ten (10) year period, to determine whether to continue or discontinue the special assessment, or include additional properties in the BID, or change the boundaries of the BID.

Section 9. In accordance with Section 170.04, Florida Statutes, there is on file with the City Clerk at the time of the adoption of this Resolution an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement, the details of the proposed programs, services, and projects, and a cost estimate as indicated in the Business Plan and Budget, attached hereto as composite Exhibits "A" and "B," which shall be open to inspection by the public.

Section 10. In accordance with Chapter 170, Florida Statutes, a Preliminary Assessment Roll showing the lots and lands assessed and the amount of the benefit and the assessment against each lot or parcel of land shall be considered at a future duly advertised Public Hearing to be held by the City Commission, following the approval of a majority of affected property owners at a time and place to be set in a separate Resolution. At that time the City Commission shall hear, as an equalizing board, all parties in regard to the proposed assessment and after making any adjustments that the City Commission may deem appropriate, the Final Assessment Roll will be confirmed by a Resolution of the City Commission.

Section 11. In accordance with Section 170.05, Florida Statutes, this Resolution shall be published one (1) time in a newspaper of general circulation in the City of Miami ("City") upon its adoption.

Section 12. The City Commission hereby finds that the assessment has been fairly and reasonably apportioned amongst the properties that will receive the special benefit.

Section 13. The City Commission, upon obtaining the approval of a majority of the affected property owners, shall amend Chapter 2, Article XI, Division 17, entitled "COCONUT GROVE BUSINESS IMPROVEMENT DISTRICT BOARD (BID BOARD)" to

incorporate the aforementioned proposed and recommended amendments to the BID Board.

Section 14. The City Manager, the City Clerk, the Finance Director, the Executive Director of the BID, the BID Board, and other necessary City officials, after consultation with the City Attorney, are authorized and directed to undertake any and all necessary actions and procedures to take such actions, as contemplated by this Resolution, including any action appropriate in connection with obtaining the approval of the affected property owners.

Section 15. This Resolution shall become effective upon the date of its adoption herein provided, however, that if the proposed special assessment does not receive the approval of a majority of the affected property owners in the BID, this Resolution shall be null and void.

Section 16. In the event that the proposed special assessment does not receive the required majority approval, the BID shall continue to exist without change as originally created pursuant to Resolution Nos. 08-0455 and 09-0076.

Resolution No. 18-0294 is available from the Office of the City Clerk's website at [http://www.miamigov.com/City\\_Clerk](http://www.miamigov.com/City_Clerk) as well as additional information related to the re-establishment of the Coconut Grove BID.



#31308

Todd B. Hannon  
City Clerk