

5-21-13  
R-2  
REVISED  
RESOLUTION

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING AN UNDERGROUND UTILITY PLANNING SERVICE AREA FOR LAS OLAS ISLES AREA "B" (UUPSA AREA "B") FOR THE PURPOSE OF UNDERTAKING CERTAIN PLANNING ACTIVITIES FOR THE BENEFIT OF PROPERTY LOCATED WITHIN THE UUPSA AREA "B" WITH RESPECT TO THE UNDERGROUNDING OF OVERHEAD UTILITY LINES; SCHEDULING A PUBLIC HEARING FOR CONSIDERATION OF IMPOSING A FEE FOR THE COSTS OF THE PLANNING AND CONSULTING SERVICES IN ANTICIPATION OF UNDERGROUNDING OVERHEAD UTILITY LINES WITHIN THE UUPSA AREA "B"; PUBLICATION AND WRITTEN NOTICE OF A PUBLIC HEARING TO CONSIDER THE PROPRIETY AND ADVISABILITY OF PROCEEDING WITH THE PLANNING ACTIVITIES ASSOCIATED WITH THE UNDERGROUNDING OF OVERHEAD UTILITY LINES WITHIN THE UUPSA AREA "B" AND IMPOSITION AND AMOUNT OF FEE TO BE CHARGED TO OWNERS OF PROPERTIES WITHIN THE UUPSA AREA "B"; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale is considering a project involving the undergrounding of overhead utility lines pursuant to City of Fort Lauderdale Code of Ordinances, Chapter 25, Division 2 – Undergrounding; and

WHEREAS, pursuant thereto there are certain initial "up-front costs" anticipated by City Code Section 25-129.4 that need to be incurred prior to authorizing proceeding with the undergrounding of overhead utility lines special assessment project and it is the intent of the City Commission that the properties benefiting from the undergrounding of overhead utility lines bear the burden of these initial "up-front costs" through the imposition of a fee; and

WHEREAS, it is the intent of the City Commission that an Underground Utility Planning Service Area for Las Olas Isles Area "B" ("UUPSA" Area "B") be created which will include the properties to be benefited by the conversion of overhead utility lines to underground utility lines; and

WHEREAS, it is the further intent of the City Commission that a Public Hearing be held, after publication of a Notice of Public Hearing and written mail notices to the owners of properties with the UUPSA Area "B" for consideration of the advisability of proceeding with the planning activities associated with the undergrounding of overhead utilities lines and the imposition and amount of a fee on the owners of the properties within the UUPSA Area "B" that will benefit from such planning services and undergrounding of overhead utility lines;

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

SECTION 1. That the City Commission of the City of Fort Lauderdale hereby creates an Underground Utility Planning Service Area for Las Olas Isles Area "B" ("UUPSA Area 'B'") for the purpose of undertaking certain planning activities for the benefit of the properties located within the UUPSA Area "B" with respect to the undergrounding of overhead utilities. The properties included within the UUPSA Area "B" are identified as "hatched areas" on the attached **Exhibit "A"**, an enlarged copy of which is on file in the Office of the City Clerk and is further available for review on the City of Fort Lauderdale's website at [www.fortlauderdale.gov](http://www.fortlauderdale.gov), listed under "Announcements." The properties within the UUPSA Area "B" are those properties bordering the following streets:

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|----------------------|----------------------|
| Mola Drive           | Royal Plaza Drive    |
| Isles of Capri Drive | Isles of Palms Drive |
| S.E. Bontona Avenue  | Lido Drive           |
| Coconut Isle         | San Marco Drive      |
| Coral Way            |                      |

SECTION 2. The City Commission is considering undertaking certain planning activities for the benefit of the properties located within the UUPSA Area "B" involving preparation of plans for utility designs, detailed cost estimates and consultant services in anticipation of undergrounding overhead utility lines (referred to as "up-front costs" in City Code Sec. 25-129.4) within the UUPSA. The anticipated cost of all plans preparation for utility design, detailed cost estimates, and consultant services is \$148,731.00.

SECTION 3. The City Commission shall hold a Public Hearing on July 2, 2013 at 6:00 PM, or as soon thereafter as same may be heard, at their Regular Meeting at City of Fort Lauderdale City Hall, Commission Chambers, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301 to consider the advisability of proceeding with the planning activities associated with the undergrounding of overhead utilities lines and the imposition of a fee on the owners of properties within the UUPSA that will benefit from such planning services and undergrounding of overhead utility lines. The amount of the fee to be considered to be imposed on the owners of properties within the UUPSA Area "B" is \$476.71 per property, payable at the rate of \$19.87 per month over a twenty-four month period or until paid in full, payable as a line item on the utility billing for the property.

SECTION 4. The owners of properties within the UUPSA Area "B" shall be provided with written notice of the time and place of the Public Hearing and the actions to be considered by the City Commission. Such written notice shall be mailed within fifteen (15) days of adoption of this Resolution to the owners of properties within the UUPSA Area "B" at their last known address as shown on the Broward County Property Appraiser's Office website. Failure to mail or receive said written notice or notices shall not invalidate any of the proceedings herein. Proof of mailing of such written notices shall be made by affidavit of the City Clerk or Public Works Director.

SECTION 5. Pursuant to City of Fort Lauderdale Charter Section 10.03 – Public Hearings and Public Notice, the City Clerk shall publish this Resolution once a week for two (2) consecutive weeks in the official newspaper of the City, with the first publication at least twelve (12) days before the date of such Public Hearing and second publication seven (7) days after the first publication.

SECTION 6. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 7. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the \_\_\_\_\_, 2013.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH