



City Manager's Office

CITY OF
FORT LAUDERDALE

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REVISIONS
to CAM +
RESOLUTION
12-2384

Memorandum

Memorandum No: 12-321

Date: November 6, 2012

To: Honorable Mayor and Commissioners

From: Lee R. Feldman, ICMA-CM, City Manager

Re: November 6, 2012 – Revision to Commission Agenda Item 12-2384 (R-1)
Establish an Underground Utility Planning Service Area (UUPSA) and Schedule
Public Hearing – Undergrounding of Utility Facilities – Special Assessment Program

The Public Works Department has received design fee estimates from Comcast and is therefore requesting the following revisions to the Background and Resource Impact sections of Commission Agenda Item 12-2384 (R-1) on the November 6th agenda.

Background

The total anticipated cost of all consultant and utility design upfront costs is **\$438,532** (Keith & Schnars \$222,800, FPL \$102,000, TECO gas \$7,500, AT&T \$57,000, testing services \$15,000, Comcast **34,232**). This equates to approximately **\$492** per property within the UUPSA or **\$21** per month for the 24-month repayment term. FPL has indicated a minimum 24 month design period for their proposed underground facilities.

Resource Impact

There is a fiscal impact to the City in the amount of **\$438,532** for consultant and utility design upfront costs that will be handled by a budget amendment contingent upon the approval of the Public Hearing on December 4, 2012.

c: Stanley D. Hawthorne, Assistant City Manager
Susanne M. Torriente, Assistant City Manager
Harry A. Stewart, City Attorney
Jonda K. Joseph, City Clerk
John C. Herbst, City Auditor
Chaz Adams, Public Affairs Manager
Albert J. Carbon, P.E., Public Works Director
Hal G. Barnes, P.E., Assistant to the City Manager

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CITY OF FORT LAUDERDALE

RESOLUTION NO. 12-

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

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 "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 "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 ("UUPSA") be created which will include the properties to be benefited by the conversion of overhead utility lines to underground utility lines for the purpose of holding a Public Hearing, after publication of a Notice of Public Hearing and written mail notices to the owners of properties within the UUPSA, for considering the imposition of a fee on the owners of properties within the UUPSA to be benefited by such planning activities;

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 ("UUPSA") for the purpose of undertaking certain planning activities for the benefit of the properties located within the UUPSA with respect to the undergrounding of overhead utilities. The properties included within the UUPSA are identified as "hatched areas" on the attached UUPSA Plat (**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, listed under "Announcements." The properties within the UUPSA are those properties indicated with "hatch marks" on the attached UUPSA Plat bordering the following streets:

Mola Drive	Royal Plaza Drive
Isles of Capri Drive	Isles of Palms Drive
S.E. Bontona Avenue	Flamingo Drive
Coconut Isle	Solar Plaza Drive
Lido Drive	Sunset Drive
San Marco Drive	Solar Isle Drive
Coral Way	Riviera Isle
Poinciana Drive	Hibiscus Place
Datura Court	Idlewyld Drive
Clematis Place	Seven Isles Drive
Acacia Court	Del Mar Place
Aurelia Place	Castilla Island
Alamanda Court	Pelican Drive

Sea Island Drive

N.E. 23rd Terrace [branching off De Sota]

Barcelona Drive

Aguavista Boulevard

De Sota Drive

N.E. 26th Terrace [connecting Barcelona & Aguavista]

SECTION 2. The City Commission is considering undertaking certain planning activities for the benefit of the properties located within the UUPSA 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 \$438,532.00.

SECTION 3. The City Commission shall hold a Public Hearing on December 6, 2012 at 6:00PM, 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 is \$492.00 per property, payable at the rate of \$21.00 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 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 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 _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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