

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, HAVING HEARD COMMENTS FROM ALL INTERESTED PERSONS AT A PUBLIC HEARING, FINDS AND DECLARES THAT THE PARCELS WITHIN THE UNDERGROUND UTILITY PLANNING SERVICE AREA FOR LAS OLAS ISLES AREA "B" ("UUPSA AREA 'B' ") DERIVE A SPECIAL BENEFIT FROM THE UNDERTAKING OF CERTAIN PLANNING ACTIVITIES IN ANTICIPATION OF CONSIDERATION AND POTENTIAL APPROVAL OF UNDERGROUNDING OVERHEAD UTILITY LINES WITHIN UUPSA AREA "B"; FINDING AND DETERMINING THAT THE COST OF THESE PLANNING ACTIVITIES FOR UUPSA AREA "B" IS IN THE AMOUNT OF \$148,731.00; FINDING AND DECLARING THE IMPOSITION OF A FEE ON THE PARCELS WITHIN UUPSA AREA "B" OF \$476.71 PER PARCEL, PAYABLE MONTHLY AS A LINE ITEM ON THE UTILITY BILLING FOR THE PARCELS OVER A TWENTY-FOUR (24) MONTH PERIOD; PROVIDING FOR A CREDIT FOR THE PAYMENT OF THE FEE AGAINST A SPECIAL ASSESSMENT FOR THE UNDERGROUNDING OF OVERHEAD UTILITY LINES WITHIN UUPSA AREA "B" AS THE UNDERGROUNDING PROJECT IS APPROVED AND A SPECIAL ASSESSMENT IN CONJUNCTION THEREWITH IS AUTHORIZED; DELEGATING AUTHORITY TO THE CITY MANAGER TO MAKE EQUITABLE ADJUSTMENTS OR APPORTIONMENTS TO THE FEE UNDER CERTAIN CIRCUMSTANCES; 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 initial expenses associated with preparing preliminary estimates for the cost of preliminary plans and final plans & specifications and contract documents, including the cost of a coordinating consultant, anticipated by City

Code Section 25-129.4 (d), that need to be incurred prior to authorizing and proceeding with the undergrounding of overhead utility lines special assessment project (hereinafter, "Up-Front Costs") and it is the intent of the City Commission that the parcels 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, pursuant to Resolution No. 13-85, the City Commission created an Underground Utility Planning Service Area for Las Olas Isles Area "B" ("UUPSA Area "B") which includes parcels to be benefited by the conversion of overhead utility lines to underground utility lines; and

WHEREAS, the parcels included in 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 website at www.fortlauderdale.gov, listed under "Announcements." As used herein, the term "parcel" shall mean and refer to each portion of real property as identified by folio number or parcel identification number on the records of the Broward County Property Appraiser. The parcels within the UUPSA Area "B" are those parcels bordering the following streets:

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

WHEREAS, pursuant to Resolution No. 13-85, the City Commission set a Public Hearing to be held July 2, 2013 at 6:00 PM, or 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 utility lines and the imposition of a fee on the owners of parcels within the UUPSA Area "B" that will benefit from such planning services and undergrounding of utility lines; and

WHEREAS, pursuant to City of Fort Lauderdale Charter Section 10.03 – Public Hearings and Public Notice, the City Clerk has published Resolution No. 13-85 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 the second publication seven (7) days after the first publication; and

WHEREAS written notice has been mailed to the owners of parcels within the UUSPA Area “B”, at their last known address as shown on the Broward County Property Appraiser’s Office website, within fifteen (15) days of adoption of Resolution No. 13-85; and

WHEREAS, the Public Hearing scheduled for July 2, 2013 was deferred by action of the City Commission to August 20, 2013 with the time, date and place being announced July 2, 2013; and

WHEREAS, on August 5, 2013 a supplemental written notice of the Public Hearing re-scheduled by deferral to August 20, 2013 was mailed to the owners of parcels within UUSPA Area “B” advising them of the August 20, 2013 Public Hearing; and

WHEREAS, the City Commission has, in fact, held the Public Hearing required under Resolution No. 13-85, as deferred to this 20th day of August, 2013 and heard the comments and objections of the owners of parcels within the UUSPA Area “B”, as well as comments and objections of all other interested persons have been heard and considered;

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

SECTION 1. That the City Commission finds and declares that the anticipated cost of undertaking certain planning activities for the benefit of the parcels within the UUSPA Area “B” involving preparation of plans for utility designs, detailed cost estimates and consultant services in anticipation of underlying overhead utility lines (“Up-Front Costs”) within UUSPA Area “B” is \$148,731.

SECTION 2. The City Commission finds and determines that the parcels within UUSPA Area “B” will receive a special benefit from such planning services in anticipation of undergrounding of overhead utility lines and hereby declares and imposes a fee of \$476.71 per parcel, payable at the rate of \$19.87 per month over a twenty-four (24) month period, payable as a line item on the utility billing for the parcel, or until paid in full.

SECTION 3. Payment of the fee will be credited against the special assessment imposed on the parcel(s) to the extent the undergrounding project is approved pursuant to City Code Chapter 25, Division 2, "Undergrounding" and a special assessment authorized therefor on the parcel(s).

SECTION 4. The City Commission hereby delegates to the City Manager the authority to make equitable adjustments or apportionments to the fee imposed hereby as to parcels that present special or unique circumstances such as parcels for which the overhead distribution utility lines contiguous to the parcel have already been undergrounded at the expense of the parcel owner or predecessor thereof.

SECTION 5. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 6. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH