

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AND APPROVING THE REFUND OF AMOUNTS PAID AS WAVE STREETCAR SPECIAL ASSESSMENTS; APPROVING AND CERTIFYING THE WAVE SPECIAL ASSESSMENT REFUND ROLL; AUTHORIZING OTHER REQUIRED ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida (the "City Commission") has previously enacted Ordinance No. C-13-14 (the "Wave Ordinance"), and adopted Resolutions No. 13-95 and 13-131 (the "Wave Resolutions"), pursuant to which an Assessment Area was established and special assessments (the "Wave Assessments") were authorized to be imposed against property located within the Assessment Area specially benefitted by the Wave Project in order to satisfy certain financial obligations of the City of Fort Lauderdale, Florida (the "City") in connection with the Wave Modern Streetcar Project (the "Wave Project"); and

WHEREAS, from 2013 through 2017, the City imposed the Wave Assessments on properties within the Assessment Area which were determined to be specially benefitted by the Wave Project; and

WHEREAS, in 2018, the City and the other parties to the various Wave Project-related agreements decided to cancel and terminate the Wave Project; and

WHEREAS, in light of the cancellation and termination of the Wave Project, the City Commission has decided to refund the Wave Assessments paid since 2013 to the persons lawfully entitled to receive such refunds; and

WHEREAS, in order to process the refund of the Wave Assessments to the persons lawfully entitled to receive such refunds, the City has prepared a Wave Special Assessment Refund Roll (the "Refund Roll"); and

WHEREAS, the Refund Roll has heretofore been made available for inspection by the public; and

WHEREAS, notice of a public hearing has been published twice in the Sun-Sentinel and mailed to those property owners proposed to receive a refund of the Wave Assessments, notifying such property owners of their opportunity to be heard, an affidavit

regarding the form of notice mailed to each property owner being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing has been held on the date hereof and comments and objections of all interested persons have been heard and considered in connection with the proposed refund of the Wave Assessments to the persons and in the amounts reflected in the Refund Roll, plus applicable interest; and

WHEREAS, the City Commission hereby finds and determines that the Refund Roll properly provides for the refund of the Wave Assessments to the persons lawfully entitled to receive such refunds, and the City Commission desires to approve and certify such Refund Roll and authorize City staff to process the refund payments accordingly, together with interest as provided herein;

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS. All capitalized terms not otherwise defined in this Resolution shall have the meanings ascribed to them in the Wave Ordinance and the Wave Resolutions.

SECTION 4. REFUND OF WAVE ASSESSMENTS. Due to the cancellation and termination of the Wave Project, the refund of the Wave Assessments paid by property owners within the Assessment Area and collected by the City since 2013 is hereby authorized and approved. The refund of the Wave Assessments shall be paid to the persons and in the amounts reflected in the Refund Roll, together with interest thereon. The interest added to each refund payment shall be calculated based on the amount of interest earned on the Wave Assessments while such moneys were held by the City or the Downtown Development Authority of Fort Lauderdale, Florida (the "DDA"), with the amount of interest so earned by the City or the DDA being allocated to each refund payment on such basis as the City determines to be fair and reasonable.

SECTION 5. APPROVAL OF REFUND ROLL. The Refund Roll for the Wave Assessments which is currently on file with the City's Finance Department and attached hereto as

Appendix C, is hereby approved and certified. The Refund Roll shall be retained by the Finance Department and shall be available for public inspection.

SECTION 6. GENERAL AUTHORITY. The members of the City Commission, the City Manager, the Finance Director, the City Attorney, the City Clerk and the officers, attorneys and other agents or employees of the City are hereby authorized to do all acts and things required of them by this Resolution or desirable or consistent with the provisions of this Resolution for the full, punctual and complete performance of all the provisions contained herein, and each member, employee, attorney and officer of the City Commission, the City Manager, the Finance Director, the City Attorney and the City Clerk is hereby authorized and directed to execute and deliver any and all papers and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution.

SECTION 7. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 8. CONFLICTS. Any resolutions or parts of resolutions in conflict herewith shall be and the same are repealed to the extent of such conflict.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this the ____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

SEE EXHIBIT 1 TO
COMMISSION AGENDA MEMORANDUM NO. 19-0298

SEE EXHIBIT 2 TO
COMMISSION AGENDA MEMORANDUM NO. 19-0298

SEE EXHIBIT 3 TO
COMMISSION AGENDA MEMORANDUM NO. 19-0298