



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0922

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: October 21, 2021

TITLE: Public Hearing - Final Assessment Resolution for Underground Utility Line
Facilities in the Las Olas Isles Neighborhood - **(Commission District 2)**

Recommendation

Staff recommends the City Commission conduct a Public Hearing to hear objections of all interested persons and adopt a Final Assessment Resolution for Underground Utility Line Facilities in the Las Olas Isles Neighborhood as required by the Ordinance referred to hereinbelow.

Background

On May 18, 2010, the City Commission enacted Ordinance C-10-12 creating Chapter 25, Article IV, Division 2 – Undergrounding within the Code of Ordinances of the City of Fort Lauderdale (as amended, the “Ordinance”) that established a process for communities to underground overhead utilities (power, telephone, cable TV, etc.) and created a mechanism for the benefited neighborhood to pay the associated costs through a special assessment.

On November 6, 2012, the City Commission (CAM #12-2384) approved amendments to the special assessment program for the undergrounding of overhead utilities. Section 25-129, Code of Ordinances of the City of Fort Lauderdale requires approval from at least 70% of signed and timely returned ballots from property owners in the assessment area and City Commission approval before a special assessment can be levied upon real properties benefitting from the undergrounding of utilities.

On July 9, 2019, the City Commission (CAM #19-0615) adopted Resolution No. 19-123 (the “Initial Declaration Resolution”), in accordance with the requirements of the Ordinance, declaring the intent to install underground utility line facilities in the Las Olas Isles Neighborhoods describing the underground utility line facilities proposed to be provided and imposing the underground utility line assessment. The Initial Declaration Resolution, among other things, provided the estimated Underground Utility Line Assessed Cost for the Las Olas Isles Underground Utility Facilities Project, described the method of apportionment of the Project Costs, and authorized the date, time and place of a public hearing to consider the adoption of a final assessment resolution (as defined

in the Ordinance), all in accordance with the provisions of the Ordinance.

On September 12, 2019, the City Commission (CAM #19-0800) adopted Resolution No. 19-165, which served as the final assessment resolution for the special assessments proposed by the Initial Assessment Resolution. The City Commission also found and determined under Resolution No. 19-165 that the Underground Utility Line Assessment to be imposed in accordance with such resolution provides an equitable method of funding the Project Cost of the Las Olas Isles Neighborhood Underground Utilities Facilities Project by fairly and reasonably allocating the cost based on the special benefit derived by Assessed Properties, in the manner described in such resolution. Subsequent to adoption of Resolution No. 19-165, the City Commission adopted resolutions in Fiscal Year 2020 and Fiscal Year 2021 authorizing the imposition of the Underground Utility Line Assessment for Fiscal Years 2021 and 2022.

As the City prepared to monetize the Underground Utility Line Assessment through the issuance of special assessment bonds to pay the costs of the Las Olas Isles Neighborhood Underground Utilities Facilities Project, and given the significant passage of time since adoption of the Initial Declaration Resolution, the City determined the final estimated cost of the Las Olas Isles Underground Utility Line Facilities Project to be \$9.0 million (\$8.75 million estimated project cost plus estimated financing costs of \$250,000), which exceeds the initial estimated project cost of \$7.7 million (excluding financing costs), based upon the Supplemental Assessment Methodology Report dated September 2, 2021.

To adequately provide for the new estimated project cost and the assessment methodology as required by the Ordinance, and in order to implement the assessment methodology and apportion the project cost among the benefitted owners, an Amended and Restated Declaration Resolution was adopted by the City Commission on September 13, 2021.

This resolution will now serve as the Final Assessment Resolution for Underground Utility Line Facilities in the Las Olas Isles Neighborhood as required by the Ordinance. Adoption of this resolution will, among other things, constitute a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings set forth in the Ordinance and the Amended and Restated Declaration Resolution from the Underground Utility Line Facilities to be provided and a legislative determination that the Underground Utility Line Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Amended and Restated Declaration Resolution.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This is a *2021 Top Commission Priority*, advancing the Infrastructure initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water & Stormwater Element
- Goal 6: Ensure that all areas of the City are reasonably protected from flooding giving due consideration to the City's natural and built environment.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments

Exhibit 1 – Resolution No.19-165

Exhibit 2 – Resolution

Prepared by: Linda Short, Deputy Director, Finance

Department Director: Susan Grant, Finance