



Memorandum

Memorandum No: 22-023

Date: February 28, 2022

To: Honorable Mayor and Commissioners

From: Chris Lagerbloom, ICMA-CM, City Manager

Re: Status of Undergrounding Projects

In May 2010, the City Commission approved an ordinance establishing a process for communities to request placement of overhead utility wires underground. This memo is to advise the City Commission on the status of the undergrounding of overhead utility projects and the process to be followed for future neighborhood requests (See Attachment 1, 2 and 3).

Status of Neighborhood Projects

On July 2, 2013, the City adopted resolutions establishing Underground Utility Planning Service Areas for the Idlewyld, Riviera Isles, Las Olas Isles, and Seven Isles neighborhoods and an assessment to pay the costs of the engineering and related design fees. Below summarizes each project status by neighborhood.

Las Olas Isles – On December 21, 2021, the City Commission approved agreements with Florida Power & Light (FPL), Comcast, and AT&T as well as approved award of the pending construction bid. There are two easements pending property owners' approval for placement of electric transformers. Las Olas Isles is the only undergrounding project nearing construction, which is scheduled to begin in March 2022 with a one-year duration.

Seven Isles – On May 21, 2013, the City Commission adopted resolution 13-87 to authorize funding for the development of plans and specifications by FPL. The project did not advance further.

Idlewyld and Riviera Isles – On July 2, 2013, the City Commission adopted resolution 13-122 authorizing expenditure of funds for development of plans and specifications. After review of the initial plans, both Idlewyld and Riviera Isles were not satisfied with the proposed transformers and lack of viable easements and the projects were stopped.

Harbor Beach and Sunrise Key – Harbor Beach and Sunrise Key have had no further action related to undergrounding following the initial application and required a qualified area determination and nonbinding ballpark estimate from FPL to proceed.

Based on knowledge developed through the Las Olas Isles project, the Public Works Department will re-engage with all interested neighborhoods in March 2022, with the goal of familiarizing them with the overall process and affirm there is a commitment to proceed. All existing survey data and preliminary plans developed for the above neighborhoods may no longer be valid and the scope of work must be reconfirmed with FPL and residents.

Attachments:

- Attachment 1 Undergrounding Process Overview
- Attachment 2 Application Process
- Attachment 3 FAQs
- Attachment 4 Resolution No. 13-87
- Attachment 5 Resolution No. 13-122

c: Tarlesha W. Smith, Esq., Assistant City Manager
Greg Chavarria, Assistant City Manager
Alain E. Boileau, City Attorney
David R. Soloman, City Clerk
John C. Herbst, City Auditor
Department Directors
CMO Managers

Undergrounding Process Overview

Step 1: Neighborhood Association files an application for undergrounding.

Step 2: The Public Works Director submits an application to FP&L for a qualified area determination and requests a nonbinding ballpark estimate.

Step 3: FP&L advises Public Works that the proposed area is qualified and provides a nonbinding ballpark estimate.

Step 4: Public Works submits the application to other utilities in the qualified area and requests preliminary estimates for relocation of their facilities.

Step 5: Underground utility line assessed cost is determined with an allocation for each parcel after all estimates are received.

Step 6: a. The estimate is presented to the City Commission to authorize expenditure of City funds and execution of an agreement with a coordinating consultant to prepare the final plans, specifications, and study, which will be prepared by a qualified, licensed, and registered engineer or property appraiser, or both, and coordinate all activities and prepare all documents necessary to bring the assessment to the City Commission for a public hearing.

b. Simultaneously the City Commission shall implement a method for reimbursement of City funds by the owners through a separate special assessment or fee mechanism.

Step 7: Consultant provides preliminary plans with 90% scope and cost estimates, including identification of all necessary easements.

Step 8: Public Works prepares ballot.

Step 9: Ballot and tax roll delivered to the City Clerk. The City Clerk mails the ballot. It must be returned within 30 days of mailing.

Step 10: 70% of ballots timely returned must be in favor.

Step 11: If vote is positive, a reimbursement resolution shall be considered by the City Commission.

Step 12: City Commission adopt a declaration resolution.

Step 13: City prepares assessment roll and assessment plat.

Step 14: Adopt a resolution setting a public hearing for adoption of final assessment resolution. This can be combined with the declaration resolution.

Step 15: Adopt the final assessment resolution.

Step 16: Upon adoption of the final assessment resolution, the City shall secure proposals pursuant to the procedures set forth in section 2-194.

Application Process

Applications must be submitted by the Neighborhood Homeowner's Association President on behalf of their community. The application requires the following documents to be attached before submittal:

- A certified Special Assessment Map of the proposed Utility Line Assessment Area (UULA), which MUST:
 - detail the north, south, east, and west boundaries.
 - name the platted subdivisions within the proposed UULA; and,
 - notarized homeowners' association meeting minutes authorizing application and named Representative
 - Show each property proposed to be assessed.

Frequently Asked Questions

1. What is utility undergrounding?

Utility undergrounding includes burying existing overhead utilities belonging to major providers, including FP&L, AT&T and Comcast. Upon completion, the area will be fully restored including new decorative street lighting and resurfaced roadways.

2. How will I benefit from undergrounding overhead lines?

Undergrounding projects are designed with “looping,” which means each home will have two paths of service, increasing the systems reliability if one transformer in the area is affected. New lines will also be placed in conduit that will offer increased environmental protections. According to FP&L, undergrounding increases their system’s day-to-day reliability by 50% and by 85% during storms.

3. Will I have to provide an easement?

Generally, undergrounding projects are designed using existing public right-of-way for installation of any new permanent FP&L transformer boxes or other utility apparatus. The City will conduct outreach to impacted homeowners for those areas requiring new easements. FP&L and other utilities do not require new easements to complete the service connections.

4. How are FP&L transformer locations selected?

FP&L design plans provide the required locations for FP&L infrastructure.

5. What about stormwater resiliency and the impacts of King Tides?

The new lines will be buried and protected from the elements in continuous conduit. If the local elevation is below 3 feet NAVD (North American Vertical Datum), FP&L transformer boxes will be elevated to protect against King Tide events.

6. Will FP&L underground their lines for free?

FP&L has a statewide program that pursues strategic undergrounding for their lines only (not for cable TV, telephone or other existing vendors), so overhead utility lines remain after their work is complete. FP&L will only underground areas where all impacted parcels agree to an easement on private property for new lines and FP&L transformer boxes.

7. If utility undergrounding is the project goal, why are other costs included (street lighting, roadway resurfacing)?

All costs included within the special assessment are “as-necessary” for project completion, including final restoration. Currently, local street lighting is on existing FP&L poles which will be removed and replaced (one for one) as part of the project to maintain street lighting. While trenchless installation limits the amount of digging, it will require openings in the roadway to push and pull the main lines. Roadway resurfacing is required for final restoration of the impacted roadways.

8. Why am I being asked to vote on something that I did not ask for?

In 2010, the City established a process for neighborhoods to request utility undergrounding.

Essentially, the City would coordinate with area utilities and develop a project. All associated costs will be paid by the benefitting neighborhood. In 2012, the City updated the Code to streamline the process. Your neighborhood formally requested the initiation of a utility undergrounding project and may have already paid for the design. Once 90% design plans are complete, a balloted vote is required to confirm neighborhood consensus on next steps.

9. What happens after balloting?

Per City Ordinance, if 70% of those responding to the ballot vote in favor of the project, then a public hearing will be scheduled with the City Commission to consider establishment of a special assessment boundary. The Commission would award the construction contracts, after which a project schedule will be provided.

10. How will I pay for this undergrounding project?

Benefitting homeowners are responsible for project-related costs, including financing, and will pay through a line item on their property tax bill for a period of 30 years.

11. How can my neighborhood begin an undergrounding project?

Your neighborhood association must complete the City's application to begin the undergrounding process. The application is located on the City's website.

12. How can I determine if my neighborhood is pursuing undergrounding?

The best way to determine if your neighborhood is pursuing undergrounding is to visit the City's Undergrounding Overhead Utilities webpage. If your neighborhood is not listed, please contact your HOA representative to inquire if your neighborhood is considering undergrounding under the City's ordinance.

13. I only want to underground my local street; will the City manage my project?

According to City Ordinance Section 25-129, the City only administers undergrounding in HOA-sponsored areas. The special assessment is applied to the entire neighborhood.

You may wish to contact FP&L to determine FP&L's process for undergrounding non-HOA residential areas. Further coordination with other overhead utilities will be required. A project of this scope may require the services of a knowledgeable consultant who can guide you through the process or pursue the path FP&L recommends.

RESOLUTION NO. 13-87

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING AN UNDERGROUND UTILITY PLANNING SERVICE AREA FOR SEVEN ISLES AREA "C" ("UUPSA AREA 'C'") FOR THE PURPOSE OF UNDERTAKING CERTAIN PLANNING ACTIVITIES FOR THE BENEFIT OF PROPERTY LOCATED WITHIN THE UUPSA AREA "C" 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 SCHEDULING A PUBLIC HEARING FOR WITHIN THE UUPSA AREA "C"; 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 "C" AND IMPOSITION AND AMOUNT OF FEE TO BE CHARGED TO OWNERS OF PROPERTIES WITHIN THE UUPSA AREA "C"; 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 "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

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WHEREAS, it is the intent of the City Commission that an Underground Utility Planning Service Area for Seven Isles Area "C" ("UUPSA Area 'C'") 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 "C" 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 "C" 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 Seven Isles Area "C" ("UUPSA Area 'C'") for the purpose of undertaking certain planning activities for the benefit of the properties located within the UUPSA Area "C" with respect to the undergrounding of overhead utilities. The properties included within the UUPSA Area "C" 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, listed under "Announcements." The properties within the UUPSA Area "C" are those properties bordering the following streets:

Seven Isles Drive

Barcelona Drive

Del Mar Place

De Sota Drive

Castilla Island

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

Pelican Drive

Aguavista Boulevard

Sea Island Drive

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

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SECTION 2. The City Commission is considering undertaking certain planning activities for the benefit of the properties located within the UUPSA Area "C" 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 \$148,379.00.

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 Area "C" 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 "C" is \$486.49 per property, payable at the rate of \$20.27 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 "C" 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 "C" 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.

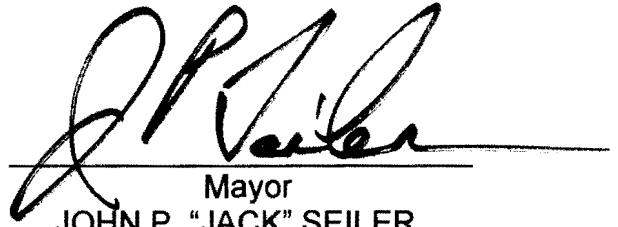
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SECTION 6. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.


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

ADOPTED this the 21st May, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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RESOLUTION NO. 13-122

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 IDLEWYLD / RIVIERA ISLES AREA "A" ("UUPSA AREA 'A' ") 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 "A"; FINDING AND DETERMINING THAT THE COST OF THESE PLANNING ACTIVITIES FOR UUPSA AREA "A" IS IN THE AMOUNT OF \$147,769.00; FINDING AND DECLARING THE IMPOSITION OF A FEE ON THE PARCELS WITHIN UUPSA AREA "A" OF \$553.45 PER PARCEL, PAYABLE MONTHLY AS A LINE ITEM ON THE UTILITY BILLING FOR THE PARCEL 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 "A" 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 & specification and contract documents, including the cost of a coordinating consultant in anticipation of preparing anticipated by City Code Section 25-129.4 (d) that need to be incurred prior to

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authorizing 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 Idlewyld / Riviera Isles Area "A" ("UUPSA Area "A") 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 "A" 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 "A" are those parcels bordering the following streets:

Poinciana Drive	Flamingo Drive
Datura Court	Solar Plaza Drive
Clematis Place	Solar Isle Drive
Acacia Court	Riviera Isle
Aurelia Place	Hibiscus Place
Alamanda Court	Idlewyld Drive

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 utilities lines and the imposition of a fee on the owners of parcels within the UUPSA Area "A" that will benefit from such planning services and undergrounding of utility lines; and

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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 "A", 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 City Commission has, in fact, held the Public Hearing required under Resolution No. 13-85 this 2nd day of July, 2013 and comments and objections by owners of the parcels within the UUSPA Area "A" as well as comments and objections of all 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 UUPSA Area "A" involving preparation of plans for utility designs, detailed cost estimates and consultant services in anticipation of underlying overhead utility lines ("Up-Front Costs") within the UUPSA Area "A" is \$147,769.00.

SECTION 2. The City Commission finds and determines that the parcels within the UUPSA Area "A" 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 \$553.45 per parcel, payable at the rate of \$23.06 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).

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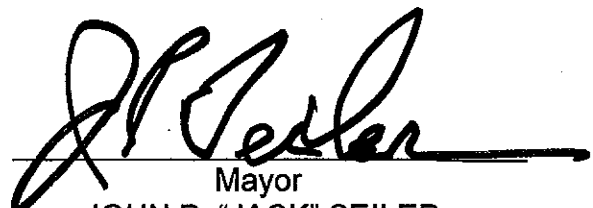
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SECTION 4. The City Commission hereby delegates to the City Manager the authority to make equitable adjustments or apportionments to the fee imposed hereby as to parcels that present special or unique circumstances such as parcels for which the overhead 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.

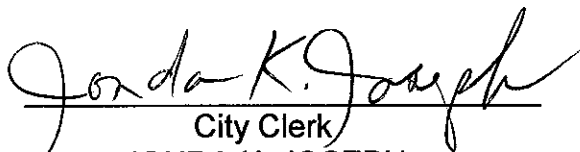
SECTION 6. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 2nd day of July, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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