



**Memorandum No: 21-093**

**City Attorney's Office**

**To:** Christopher J. Lagerbloom, City Manager

**From:** Alain E. Boileau, City Attorney

**Date:** June 25, 2021

**RE: Expenditure of Beach Business Improvement District (BID) Annual Assessment Funds**

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I have been asked to opine whether funds from the Annual Beach Business Improvement Assessment can be used for physical improvements to and upon Breakers Avenue, as well as whether said funds can be used for marketing, promotion, events, and advocacy outside and beyond the defined Beach Business Improvement Area.

Based upon an analysis of Ordinance No. C-06-34 (Beach Business Improvement Assessment Ordinance), Resolution No. 06-207 (Initial Assessment Resolution), Resolution No. 07-26 (Final Assessment Resolution), Resolution No. 07-142 (Preliminary Rate Resolution), Resolution No. 07-162 (Annual Rate Resolution), the Feasibility Study, Analysis, Business Plan, and Recommendations conducted by Carras Community Investment, Inc., the Assessment Report prepared by Harry C. Newstreet & Associates, and the surveys prepared at my request by the City Surveyor, it is my opinion that funds from the Annual Beach Business Improvement Assessment can be used for maintenance, capital improvements, beautification, construction, and reconstruction only to the extent that such improvements are contained within the boundaries of the Improvement District Area. Breakers Avenue is not included within the defined Improvement District Area. However, other permitted activities and services, such as marketing, promotion, advocacy, and events, which do not inherently or exclusively occur within a geographical boundary, can occur outside the boundaries of the Improvement District Area so long as such activities and services confer a special and direct benefit to the Assessed Properties and the Beach Business Improvement Area, as contemplated and specifically provided for in Ordinance No. C-06-34.

More specifically, the Beach Business Improvement Assessments, and all declarations of special benefit, methods of apportionment and Maximum Rate of Assessment contained in the City's legislative documents creating the BID were

expressly based upon the Feasibility Study, Analysis, Business Plan, and Recommendations conducted by Carras Community Investment, Inc. (“Carras Report”). The Carras Report recognizes at the outset that a BID “is a key funding mechanism needed in the area to generate additional economic activity, increase business development, enhance services and maintenance and **improve the physical appearance of the area.**” (emphasis added). The Carras Report identifies the then-current needs of the district as follows:

In order to enhance Fort Lauderdale Beach’s assets, **the physical appearance must be improved**, branding and imaging must be developed and security must be enhanced. Currently, the beach is challenged with the following conditions:

- **Poor overall appearance of public spaces**
- **Limited streetscape landscaping and beautification**
- **Inadequate maintenance of the wave wall**
- **Insufficient signage and branding identification**
- Minimal marketing of the area
- **Low level of security and public protection**

(emphasis added). Most of the identified needs of the proposed BID prior to its creation focused upon the need for physical improvements within the proposed boundaries of the BID. Notably, the Carras Report identifies the proposed BID’s need for services as follows:

The Fort Lauderdale Beach Business Improvement District (BID) would provide enhanced services **within the defined boundaries** that would include, but not be limited to, offering additional security, safety, maintenance, beautification, marketing, promotion and advocacy within the district. Possible improvements include:

### Beautification

**One of the primary purposes of the BID will be to improve the physical appearance of the beach.** Possible activities could include:

- Enhancing the beach’s identity
- **Maintaining wave wall and other distinct landmarks**
- **Improving landscaping and signage**
- **Providing additional sidewalks cleaning and trash removal**
- Implementing goodwill ambassadors to greet/direct tourists

### **Marketing/Promotion**

The BID could also play a role in marketing the businesses in the district and promoting the beach as a premiere resort destination by:

- Creating a marketing strategy that targets Fort Lauderdale Beach
- Developing an interactive website to promote local businesses
- Establishing special events
- Purchasing holiday décor

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### **Capital Improvements**

Several expansive improvements have been proposed *in the district*, but there is no dedicated revenue stream available to fund the projects. As a result, the BID could assist in completing capital improvement projects such as *landscaping, pedestrian crossings, roadway development and sidewalk enhancements*.

### **Advocacy**

While there are several organizations already in place to advocate for the beachside community (the Fort Lauderdale Beach CRA, the Beach Council, etc.), the BID could serve as an additional lobbying interest for business needs.

The specific programs offered by the BID would be amended on an annual basis to satisfy the particular needs of those located in the district at that time. However, it is recommended that within the first year the BID prioritize its activities to address the area's most critical issue: *the physical appearance*.

(emphasis added). The report further opines that “[i]mplementing these programs would significantly improve the physical appearance of *the street*, encourage tourism along the beach, and discourage unwanted activities.” (emphasis added). As illustrated above, at its inception, the referenced capital improvements and other physical construction, reconstruction, and beautification, were contained and limited within the boundaries of the proposed BID, including the reference to a singular street, A1A (as ultimately identified in the legislative documents). However, permitted services and programs, such as “advocacy,” “[c]reating a marketing strategy,” “[e]stablishing special events,” and “[d]eveloping an interactive website,” would not logically and inherently be limited to the strict geographical confines of the defined district.

The Carras Report identifies the intended boundaries of the BID. Specifically, it recognizes that “most of the properties within the proposed Business Improvement District are contiguous along A1A,” and then characterizes and delineates the BID “boundaries” as follows:

***The proposed BID begins with the properties facing both sides of Holiday Drive and continues along S. Fort Lauderdale Beach Boulevard encompassing all of the properties bordering the roadway to Sunrise. Only commercial properties found within these bounds will be assessed.***

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The "Service Area" includes ***all properties along both sides of A1A (also known as Seabreeze Boulevard and South Fort Lauderdale Beach Boulevard)*** and has the following boundaries:

On the North, the Service Area is bounded by the northernmost part of Sunrise Boulevard, including sidewalks.

On the South, the Service Area is bounded on the east by the southernmost portion of the Best Western Oceanside Inn and on the west by the properties adjacent to the southern side of Harbor Drive.

On the East, the Service Area is bounded north of SE 5th Street by the easternmost part of A1A, including sidewalks, and to the south of SE 5th Street, the Service Area includes the South Beach Municipal Lot and the extents of the properties along A1A to Holiday Drive.

On the West, the Service Area includes all properties adjacent to both sides of A1A.

(emphasis added). Based upon the Carras Report and its findings, on October 3, 2006, Ordinance No. C-06-34 was enacted in order to: “(1) provide procedures and standards for the imposition of Beach Business Improvement Assessments under the general home rule powers of a municipality to impose special assessments; (2) authorize a procedure for the funding of Beach Business Improvement services, facilities, or programs providing special benefits to property within the City; and (3) legislatively determine the special benefit provided to Assessed Property from the provision of the Beach Business Improvement services.” The assessment at issue is a non-ad valorem assessment within the meaning and intent of the Uniform Assessment Collection Act.

The title of the Ordinance expressly refers to “the provision of services and improvements ***throughout certain portions of the beach area bordering the east and west side of A1A from Holiday Drive to Sunrise Boulevard.***” (emphasis added). The only definition or description of the services and improvement area contained in the Ordinance is in the foregoing title. As stated in the Ordinance, the beach improvement services, facilities, and programs provide a special benefit to “business property located within the beach area that is used for commercial purposes” which are based upon some legislative determinations, specifically, “beach business improvement services possess a logical relationship to the use and enjoyment of improved property by: (1) producing a clean, safe and more attractive business environment; (2) increasing the number of visitors; (3) increasing commerce and investment; [and] (4) increasing commercial property values.”

The term “Beach Business Improvement Assessed Costs” permitted to fund the BID “services, facilities, or programs” that provide a “special benefit” to the assessed properties, is expressly stated as necessarily, but not be limited to, the following (in relevant part):

- (A) the cost of all security, safety, beautification, maintenance, marketing, promotion and advocacy ***within the district***;

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- (C) the costs of all labor, materials, machinery, and equipment;
- (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities;

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- (F) the cost of physical construction, reconstruction or completion of any required facility or improvement;

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- (I) the cost of uniforms, training, travel, and per diem;
- (J) the cost of construction plans and specifications, surveys, and estimates of costs;
- (K) the cost of engineering, financial, legal, and other professional services;

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- (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of Beach Business Improvement services, facilities, or programs . . .

Similarly, the title of Resolution No. 06-207 (Initial Assessment Resolution), states “provision of services, facilities and programs **in certain portions of the beach area** . . .” (emphasis added).<sup>1</sup> Resolution No. 06-207 also defines Beach Business Improvement Assessed Costs for the funding of “all or any portion of the cost of the provision of services, facilities and/or programs **in the Improvement District Area** as more particularly defined in the Ordinance as detailed in Appendix F attached hereto and made a part hereof.” (emphasis added); see also Resolution No. 07-142 (Preliminary Rate Resolution). Resolution No. 06-207 defines the Improvement District Area as “all Assessed Property and **all property that may be improved** for a public purpose **with the funds collected** through the Beach Business Improvement Assessment as depicted on Appendix B attached hereto and made a part thereof.”(emphasis added).<sup>2</sup> However, again, permitted services and programs, such as “marketing,” “promotion,” “advocacy,” “training,” and “travel” would not logically and inherently be limited to the strict geographical confines of the defined district.

The Initial Assessment Resolution, No. 06-207 expressly mandates that “[u]pon the imposition of a Beach Business Improvement Assessment for services, facilities, or programs against Assessed Property located within the City, the **City shall provide** services, facilities or programs **in the Improvement District Area** above and beyond any services, facilities and programs the City may currently be providing as more particularly described in Appendix C attached hereto and made a part hereof.” (emphasis added); see also Resolution No. 07-142 (Preliminary Rate Resolution). Appendix C, which describes “Baseline and Proposed BID Services,” is illustrative of the intent regarding maintenance **within** the Improvement District Area (as well as the original intent of BID), by including: (1) hand-picking and machine-screening sand from the highwater mark to the wall; (2) sweeping of gateway steps; (3) removing sand from beach showers; (4) pressure washing, debris sweeping, and hand-picking debris from sidewalks East and West of A1A; (5) hand-picking medians; (6) emptying and cleaning trash receptacles located on the sidewalks and on the sand; and (7) hand-picking and

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<sup>1</sup> The language “provision of Beach Business Improvement Services in the Improvement District Area” or “in certain portions of” is also contained in Resolution No. 07-26 (Final Assessment Resolution), Resolution No. 07-142 (Preliminary Rate Resolution), and Resolution 07-162.

<sup>2</sup> The referenced Appendix B is an illegible map, the original of which has not been located. A better copy from another instrument was located and provides slightly more clarity, but only depicts a very general area, including the beach. Notwithstanding, the City Surveyor surveyed and verified the boundaries of the district as not including Breakers Avenue.

machine sweeping debris from the A1A road surface. This intent is further illustrated by the direction provided with regard to the application of the assessment proceeds, to wit – “[p]roceeds derived by the City from the Beach Business Improvement Assessments will be utilized for the provision of beach business improvement services, facilities and programs as shown on Appendix C . . . [i]n the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund beach business improvement services, facilities, and programs.” (emphasis added).

The assessment resolutions were based upon a report prepared by Harry C. Newstreet & Associates, estimating the fair and equitable assessment to be imposed on the benefitting property owners. The Newstreet Report provides that the “general boundaries” of the Beach Improvement District “include the ***area south of Sunrise Boulevard, north of Harbor Drive, east of the easternmost portion of State Road A1A and the South Beach Municipal Lot and on the west by those properties fronting on State Road A1A.***” (emphasis added). Again, the foregoing boundary does not include Breakers Avenue. The Report further elaborates that:

The Fort Lauderdale Beach Improvement District will enhance the properties identified in the assessment roll along the following dimensions:

- Encourage economic development by assisting in business attraction and retention
- Promote local businesses and destinations including hotels, shops, restaurants and cultural amenities
- Generate increased economic activity within the district
- Create a clean, safe environment for workers, residents, and visitors
- Improve quality of life within the region
- Establish Fort Lauderdale Beach as a premiere resort destination
- Increase tourism in the area
- Expand business revenue and increase economic growth
- ***Enhancing the physical appearance and increase the attractiveness of the district***
- ***Develop pedestrian friendly sidewalks***
- Create a unique sense of place for visitors to enjoy
- Improve the overall image of the beach

As suggested and illustrated by the quoted language above from the resolutions creating and imposing the assessment, physical improvements were contemplated and articulated as occurring within the District. Notwithstanding, as previously stated, other permitted activities and services, such as marketing, promotion, advocacy, and events,

which do not inherently or exclusively occur within a geographical boundary, can occur outside the boundaries of the Improvement District Area so long as such activities and services confer a special and direct benefit to the Assessed Properties and the Beach Business Improvement Area, as contemplated and specifically provided for in Ordinance No. C-06-34.

cc: John Herbst, City Auditor  
Jeff A. Modarelli, City Clerk  
Tarlesha W. Smith, Asst. City Manager  
Greg Chavarria, Asst. City Manager  
Lynn Solomon, Asst. City Attorney

ORDINANCE NO. C-06-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF SERVICES AND IMPROVEMENTS THROUGHOUT CERTAIN PORTIONS OF THE BEACH AREA BORDERING THE EAST AND WEST SIDE OF AIA FROM HOLIDAY DRIVE TO SUNRISE BOULEVARD LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "BEACH BUSINESS IMPROVEMENT ASSESSMENT"; ESTABLISHING A PROCEDURE FOR IMPOSING BEACH BUSINESS IMPROVEMENT ASSESSMENTS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING A PROCEDURE FOR COLLECTION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. \_\_\_\_\_

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

ARTICLE I  
INTRODUCTION

SECTION 1.01. DEFINITIONS. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Annual Rate Resolution" means the resolution described in Section 2.08 hereof, establishing the rate at which a Beach Business Improvement Assessment for a specific Fiscal Year will be computed. The Final Assessment Resolution shall constitute the Annual

Rate Resolution for the initial Fiscal Year in which a Beach Business Improvement Assessment is imposed or reimposed.

"Assessed Property" means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the Beach Business Improvement services, programs or facilities identified in the Initial Assessment Resolution or a subsequent Preliminary Rate Resolution.

"Assessment Roll" means the special assessment roll relating to a Beach Business Improvement Assessment approved by a Final Assessment Resolution pursuant to Section 2.06 hereof or an Annual Rate Resolution pursuant to Section 2.08 hereof.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

"Certificate of Occupancy" means the written certification issued by the City that a Building is ready for occupancy for its intended use. For the purposes of this Ordinance, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a Certificate of Occupancy.

"City" means the City of Fort Lauderdale, Florida.

"City Clerk" means the Clerk of the City Commission.

"City Commission" means the City Commission of the City of Fort Lauderdale, Florida.

"City Manager" means the chief administrative officer of the City, designated by the City Commission to be responsible for coordinating Beach Business Improvement Assessments, or such person's designee.

"County" means Broward County, Florida.

"Final Assessment Resolution" means the resolution described in Section 2.06 hereof which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall

be the final proceeding for the initial imposition of Beach Business Improvement Assessments.

"Beach Business Improvement Assessment" means a special assessment lawfully imposed by the City Commission against Assessed Property to fund all or any portion of the cost of the provision of Beach Business Improvement services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

"Beach Business Improvement Assessed Cost" means the amount determined by the City Commission to be assessed in any Fiscal Year to fund all or any portion of the cost of the provision of Beach Business Improvement services, facilities, or programs which provide a special benefit to Assessed Property, and shall include, but not be limited to, the following components: (A) the cost of all security, safety, beautification, maintenance, marketing, promotion and advocacy within the district (B) the costs incurred in any required acquisition or purchase; (c) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of physical construction, reconstruction or completion of any required facility or improvement; ; (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial, legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the City to provide Beach Business Improvement services; (M) all costs associated with the structure, implementation, collection, and enforcement of the Beach Business Improvement Assessments, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early payment of Beach Business Improvement Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Beach Business Improvement Assessments collected pursuant to Section 3.02 herein; (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of Beach Business Improvement services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the City Commission by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible Beach Business Improvement Assessments; and (P) reimbursement to the City or any other Person for any moneys advanced for any costs incurred by the City or such Person in connection with any of the foregoing components of Beach Business Improvement Assessed Cost.

"Fiscal Year" means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the City.

"Government Property" means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

"Initial Assessment Resolution" means the resolution described in Section 2.02 hereof which shall be the initial proceeding for the identification of the Beach Business Improvement Assessed Cost for which an assessment is to be made and for the imposition of a Beach Business Improvement Assessment.

"Maximum Assessment Rate" means the highest rate of a Beach Business Improvement Assessment established by the City Commission in this ordinance.

"Ordinance" means this Beach Business Improvement Assessment Ordinance.

"Owner" shall mean the Person reflected as the owner of Assessed Property on the Tax Roll.

"Person" means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

"Preliminary Rate Resolution" means the resolution described in Section 2.08 hereof initiating the annual process for updating the Assessment Roll and directing the reimposition of Beach Business Improvement Assessments pursuant to an Annual Rate Resolution.

"Property Appraiser" means the Broward County Property Appraiser.

"Tax Collector" means the Department of Finance and Administrative Services as described in Article IV of the Broward County Charter.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Uniform Assessment Collection Act" means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. GENERAL FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, section 2(b), Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of City ordinances.

(B) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to Beach Business Improvement services, facilities or programs of the City.

(C) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Beach Business Improvement Assessments under the general home rule powers of a municipality to impose special assessments; (2) authorize a procedure for the funding of Beach Business Improvement services, facilities, or programs providing special benefits to property within the City; and (3) legislatively determine the special benefit provided to Assessed Property from the provision of the Beach Business Improvement services.

(D) The annual Beach Business Improvement Assessments to be imposed using the procedures provided in this Ordinance shall constitute non-ad valorem assessments

within the meaning and intent of the Uniform Assessment Collection Act.

(E) The Beach Business Improvement Assessments to be imposed using the procedures provided in this Ordinance are imposed by the City Commission, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. The duties of the Property Appraiser and Tax Collector under the provisions of this Ordinance and the Uniform Assessment Collection Act are ministerial.

SECTION 1.04. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT. It is hereby ascertained and declared that the beach improvement services, facilities, and programs provide a special benefit to business property located within the beach area that is used for commercial purposes based upon the following legislative determinations:

(A) Beach Business Improvement services possess a logical relationship to the use and enjoyment of improved property by: (1) producing a clean, safe and more attractive business environment (2) increasing the number of visitors (3) increasing commerce and investment (4) increasing commercial property values.

SECTION 1.05. MAXIMUM RATE OF ASSESSMENT AND METHOD OF APPORTIONMENT.

(A) The method of apportionment to be used in determining the Beach Business Improvement Assessment for each property owner shall be based on property value.

(B) The Maximum Rate of Assessment imposed for any Beach Business Improvement Assessment in any resolution pursuant to this ordinance shall not exceed \$1.50 per \$1,000 of assessed property value.

SECTION 1.06. FINDINGS AND SUPPORT FOR BEACH BUSINESS IMPROVEMENT ASSESSMENT.

(A) The propriety of the Beach Business Improvement Assessment and all declarations of special benefit, methods of apportionment and Maximum Rate of Assessment are based on the findings of the Feasibility Study, Analysis, Business Plan and Recommendations study and feasibility report conducted by Carras Community Investment, Inc. entitled "Fort Lauderdale Business Improvement District" dated June 2006 on file with the City

Clerk, hereinafter referred to as "the Study."

(B) The business community and area boards have demonstrated their overwhelming support for the Beach Business Improvement ~~Special~~ Assessment as evidenced by a petition signed by 67% percent of the benefitted property owners in the proposed assessment area and the Resolutions adopted by the Greater Fort Lauderdale Beach Chamber of Commerce's Beach Council, the Beach Redevelopment Advisory Board and the Economic Development Advisory Board.

ARTICLE II  
ANNUAL BEACH BUSINESS IMPROVEMENT ASSESSMENTS

SECTION 2.01. GENERAL AUTHORITY.

(A) The City Commission is hereby authorized to impose an annual Beach Business Improvement Assessment to fund all or any portion of the Beach Business Improvement Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the City's provision of Beach Business Improvement services, facilities, or programs. All Beach Business Improvement Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the Beach Business Improvement Assessment imposed in a Fiscal Year against a parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the Beach Business Improvement Assessed Cost among properties on a basis reasonably related to the special benefit provided by Beach Business Improvement services, facilities, or programs funded with assessment proceeds.

(C) Nothing contained in this Ordinance shall be construed to require the imposition of Beach Business Improvement Assessments against Government Property, residential property, or property owned by not for profit corporations.

SECTION 2.02. INITIAL PROCEEDINGS. The initial proceeding for the imposition of a Beach Business Improvement Assessment shall be the adoption of an Initial Assessment Resolution by the City Commission, (1) containing a brief and general description of the Beach Business Improvement services, facilities, or programs to be provided and a legal description of the property subject to the special assessment (2) determining the Beach Business

Improvement Assessed Cost to be assessed, (3) describing the method of apportioning the Beach Business Improvement Assessed Cost and the computation of the Beach Business Improvement Assessment for specific properties, (4) establishing an estimated assessment rate for the upcoming Fiscal Year, (5) directing the City Manager to (a) prepare the initial Assessment Roll, as required by Section 2.03 hereof, (b) publish the notice required by Section 2.04 hereof, and (c) mail the notice required by Section 2.05 hereof using information then available from the Tax Roll.

SECTION 2.03. INITIAL ASSESSMENT ROLL.

(A) The City Manager shall prepare, or direct the preparation of, the initial Assessment Roll, which shall contain the following:

- (1) A summary description of all Assessed Property conforming to the description contained on the Tax Roll.
- (2) The name of the Owner of the Assessed Property.
- (3) The amount of the Beach Business Improvement Assessment to be imposed against each such parcel of Assessed Property.

(B) The initial Assessment Roll shall be retained by the City Manager and shall be open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Beach Business Improvement Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

SECTION 2.04. NOTICE BY PUBLICATION. Upon completion of the initial Assessment Roll, the City Manager shall publish, or direct the publication of, once in a newspaper of general circulation within the City a notice stating that at a meeting of the City Commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the City Commission will hear objections of all interested persons to the Final Assessment Resolution which shall establish the rate of assessment and approve the aforementioned initial Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Beach Business Improvement Assessment; (B) a brief and general description of the Beach Business

Improvement services, facilities, or programs to be provided; (C) the rate of assessment including the Maximum Assessment Rate; (D) the procedure for objecting provided in Section 2.06 hereof; (E) the method by which the Beach Business Improvement Assessment will be collected; and (F) a statement that the Initial Assessment Roll is available for inspection at the office of the City Manager and all interested persons may ascertain the amount to be assessed against a parcel of Assessed Property at the office of the City Manager.

SECTION 2.05. NOTICE BY MAIL. In addition to the published notice required by Section 2.04, the City Manager shall provide notice, or direct the provision of notice, of the proposed Beach Business Improvement Assessment by first class mail to the Owner of each parcel of property subject to the Beach Business Improvement Assessment. Such notice shall include (A) the purpose of the Beach Business Improvement Assessment; (B) the rate of assessment to be levied against each parcel of property including the Maximum Assessment Rate; (C) the unit of measurement applied to determine the Beach Business Improvement Assessment; (D) the number of such units contained in each parcel of property; (E) the total revenue to be collected by the City from the Beach Business Improvement Assessment; (F) a statement that failure to pay the Beach Business Improvement Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected Owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of the notice; and (H) the date, time, and place of the hearing. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each Owner at such address as is shown on the Tax Roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The City Manager may provide proof of such notice by affidavit. Failure of the Owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Beach Business Improvement Assessment imposed by the City Commission pursuant to this Ordinance.

SECTION 2.06. ADOPTION OF FINAL ASSESSMENT RESOLUTION. At the day and time named in such notice, or to which an adjournment or continuance may be taken by the City Commission, the City Commission shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the City Commission adopt the Final Assessment Resolution which shall (A) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (B) establish the rate of assessment to be imposed in the upcoming Fiscal Year;

(C) approve the initial Assessment Roll, with such amendments as it deems just and right; and (D) determine the method of collection. The adoption of the Final Assessment Resolution by the City Commission shall constitute a legislative determination that all parcels assessed derive a special benefit from the Beach Business Improvement services, facilities, or programs to be provided or constructed and a legislative determination that the Beach Business Improvement Assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All written objections to the Final Assessment Resolution shall be filed with the City Manager at or before the time or adjourned time of such hearing. The City Commission may make any adjustments to the Initial Assessment Resolution it deems appropriate based on any written or oral objections filed by the property owners prior to the time of adoption of the Final Assessment Resolution. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which Beach Business Improvement Assessments are imposed or reimposed hereunder.

SECTION 2.07. EFFECT OF FINAL ASSESSMENT RESOLUTION. The Beach Business Improvement Assessments for the initial Fiscal Year shall be established upon adoption of the Final Assessment Resolution. The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property; the method of apportionment and assessment; the initial rate of assessment; the initial Assessment Roll; and the levy and lien of the Beach Business Improvement Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Final Assessment Resolution. The initial Assessment Roll, as approved by the Final Assessment Resolution, shall be delivered to the Tax Collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Beach Business Improvement Assessments, such other official as the City Commission by resolution shall designate.

SECTION 2.08. ADOPTION OF ANNUAL RATE RESOLUTION.

(A) The City Commission shall adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which a Beach Business Improvement Assessment is imposed hereunder.

(B) The initial proceedings for the adoption of an Annual Rate Resolution shall be the adoption of a Preliminary Rate Resolution by the City Commission (1) containing a brief and general description of the Beach Business Improvement services, facilities, or programs to

be provided; (2) determining the Beach Business Improvement Assessed Cost to be assessed for the upcoming Fiscal Year; (3) establishing the estimated assessment rate for the upcoming Fiscal Year; (4) authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the Annual Rate Resolution for the upcoming Fiscal Year; and (5) directing the City Manager to (a) update the Assessment Roll, (b) provide notice by publication, (c) provide notice by first class mail to affected Owners in the event circumstances described in subsection (f) of this Section so require, and (d) directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the City.

(C) The Annual Rate Resolution shall (1) establish the rate of assessment to be imposed in the upcoming Fiscal Year and (2) approve the Assessment Roll for the upcoming Fiscal Year with such adjustments as the City Commission deems just and right. The Assessment Roll shall be prepared in accordance with the method of apportionment set forth in the Initial Assessment Resolution, or any subsequent Preliminary Rate Resolution, together with modifications, if any, that are provided and confirmed in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) Nothing herein shall preclude the City Commission from providing annual notification to all Owners of Assessed Property in the manner provided in either or both Sections 2.04 or 2.05 hereof.

(E) In the event (1) the proposed Beach Business Improvement Assessment for any Fiscal Year exceeds the rates of assessment adopted by the City Commission that were listed in the notices previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (2) the purpose for which the Beach Business Improvement Assessment is imposed or the use of the revenue from the Beach Business Improvement Assessment is substantially changed from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (3) Assessed Property is reclassified or the method of apportionment is revised or altered resulting in an increased Beach Business Improvement Assessment from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property as provided by law. Such notice shall substantially conform with the notice requirements set forth in Sections 2.04 and 2.05 hereof and inform the Owner of the date, time, and place for the adoption of the Annual Rate

Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Beach Business Improvement Assessment imposed by the City Commission pursuant to this Ordinance.

(F) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution or a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Beach Business Improvement Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Beach Business Improvement Assessment not challenged within the required 20-day period for those Beach Business Improvement Assessments previously imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(G) The Assessment Roll, as approved by the Annual Rate Resolution, shall be delivered to the Tax Collector as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Beach Business Improvement Assessments, such other official as the City Commission by resolution shall designate. If the Beach Business Improvement Assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the Assessment Roll.

**SECTION 2.09. LIEN OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS.** Upon the adoption of the Assessment Roll, all Beach Business Improvement Assessments shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Beach Business Improvement Assessment shall be deemed perfected upon adoption by the City Commission of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable. The lien for a Beach Business Improvement Assessment collected under the Uniform Assessment Collection Act shall attach to the property included on

the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for a Beach Business Improvement Assessment collected under the alternative method of collection provided in Section 3.02 shall be deemed perfected upon adoption by the City Commission of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable, and shall attach to the property on such date of adoption.

SECTION 2.10. REVISIONS TO BEACH BUSINESS IMPROVEMENT ASSESSMENTS. If any Beach Business Improvement Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Commission is satisfied that any such Beach Business Improvement Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to include or omitted any property on the Assessment Roll which property should have been so included, the City Commission may take all necessary steps to impose a new Beach Business Improvement Assessment against any property benefitted by the Beach Business Improvement Assessed Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Beach Business Improvement Assessment is annulled, vacated, or set aside, the City Commission may obtain and impose other Beach Business Improvement Assessments until a valid Beach Business Improvement Assessment is imposed.

SECTION 2.11. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Beach Business Improvement Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Beach Business Improvement Assessment as finally approved shall be competent and sufficient evidence that such Beach Business Improvement Assessment was duly levied, that the Beach Business Improvement Assessment was duly made and adopted, and that all other proceedings adequate to such Beach Business Improvement Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, City Manager, City Commission, or their deputies or employees, shall operate to release or discharge any obligation for payment of a Beach Business Improvement Assessment imposed by the City Commission under the provision of this Ordinance.

(B) When it shall appear that any Beach Business Improvement Assessment should have been imposed under this Ordinance against a parcel of property specially benefitted by the provision of Beach Business Improvement services, facilities, or programs, but that such property was omitted from the Assessment Roll or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Roll approved by the Annual Rate Resolution for any upcoming Fiscal Year, the City Commission may, upon provision of a notice by mail provided to the Owner of the omitted parcel in the manner and form provided in Section 2.05, impose the applicable Beach Business Improvement Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Beach Business Improvement Assessment due for the prior two Fiscal Years. Such Beach Business Improvement Assessment shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in Article III hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(C) Prior to the delivery of the Assessment Roll to the Tax Collector in accordance with the Uniform Assessment Collection Act, the City Manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the Owner of any property subject to a Beach Business Improvement Assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the Beach Business Improvement Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Beach Business Improvement Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the City Manager and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the City Manager.

SECTION 2.13. INTERIM ASSESSMENTS. An interim Beach Business Improvement Assessment shall be imposed against all property for which a Certificate of Occupancy is issued after the adoption of the Annual Rate Resolution. The amount of the interim Beach Business Improvement Assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Rate Resolution for the Fiscal Year in which the Certificate of Occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Beach Business Improvement Assessment shall also include an estimate of the subsequent Fiscal Year's Beach Business Improvement Assessment. Issuance of the Certificate of Occupancy without the payment in full of the interim Beach Business Improvement Assessment shall not relieve the Owner of such property of the obligation of full payment. Any interim Beach Business Improvement Assessment not collected prior to the issuance of the Certificate of Occupancy may be collected pursuant to the Uniform Assessment Collection Act as provided in Section 3.01 of this Ordinance, under the alternative collection method provided in Section 3.02 or by any other method authorized by law. Any interim Beach Business Improvement Assessment shall be deemed due and payable on the date the Certificate of Occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the Certificate of Occupancy.

ARTICLE III  
COLLECTION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS

SECTION 3.01. METHOD OF COLLECTION.

(A) The Beach Business Improvement Assessments may be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

(B) The amount of a Beach Business Improvement Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service,

facility, or program provided, (1) the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the Owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Beach Business Improvement Assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION. In lieu of utilizing the Uniform Assessment Collection Act, the City Commission may elect to collect the Beach Business Improvement Assessments by any other method which is authorized by law or under the alternative collection method provided by this Section:

(A) The City Commission shall provide Beach Business Improvement Assessment bills by first class mail to the Owner of each affected parcel of property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Beach Business Improvement Assessment, (2) a description of the unit of measurement used to determine the amount of the Beach Business Improvement Assessment, (3) the number of units contained within the parcel, (4) the total amount of the Beach Business Improvement Assessment imposed against the parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Beach Business Improvement Assessment is due, and (7) a statement that the Beach Business Improvement Assessment constitutes a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Beach Business Improvement Assessments shall be recorded in the Official Records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The City Commission shall have the right to foreclose and collect all delinquent Beach Business Improvement Assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A Beach Business Improvement Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The City Commission or its agent shall notify any property owner who is delinquent in payment of his or her Beach Business Improvement Assessment within 60 days from the date such assessment

was due. Such notice shall state in effect that the City Commission or its agent will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Beach Business Improvement Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent Beach Business Improvement Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as any Person. The City Commission or its agent may join in one foreclosure action the collection of Beach Business Improvement Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent Owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City Commission and its agents, including reasonable attorney fees, in collection of such delinquent Beach Business Improvement Assessments and any other costs incurred by the City Commission as a result of such delinquent Beach Business Improvement Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Beach Business Improvement Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the Owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Beach Business Improvement Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(F) Notwithstanding the City Commission's use of an alternative method of collection, the City Manager shall have the same power and authority to correct errors and omissions as provided to him or other City officials in Section 2.12 hereof.

(G) Any City Commission action required in the collection of Beach Business Improvement Assessments may be by resolution.

SECTION 3.03. GOVERNMENT AND RESIDENTIAL PROPERTY.

(A) The Beach Business Improvement Assessment shall not be assessed against Government Property, residential property, or property owned by not for profit corporations based on the findings of the Study.

ARTICLE IV  
GENERAL PROVISIONS

SECTION 4.01. APPLICABILITY. This Ordinance and the City Commission's authority to impose assessments pursuant hereto shall be applicable throughout the areas of the beach in the City as specified in the Initial Assessment Roll.

SECTION 4.02. ALTERNATIVE METHOD.

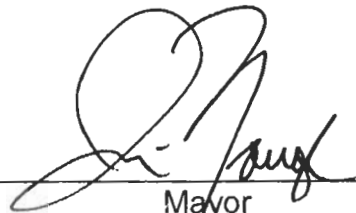
(A) This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

(B) Nothing herein shall preclude the City Commission from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the City, (2) any notice required by this Ordinance, or (3) any notice required by law, including the Uniform Assessment Collection Act.

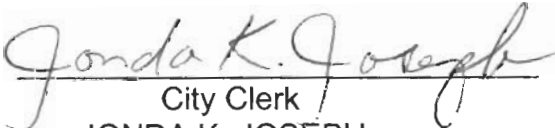
SECTION 4.03. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4.04. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING this 19<sup>th</sup> day of September, 2006.  
PASSED SECOND READING this 3<sup>rd</sup> day of October, 2006.

  
\_\_\_\_\_  
Mayor  
JIM NAUGLE

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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RESOLUTION NO. 06-207

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF SERVICES, FACILITIES AND PROGRAMS IN CERTAIN PORTIONS OF THE BEACH AREA LOCATED WITHIN THE CITY OF FORT LAUDERDALE, FLORIDA MORE SPECIFICALLY DESCRIBED HEREIN; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE BEACH BUSINESS IMPROVEMENT ASSESSMENT FOR A PORTION OF THE FISCAL YEAR; DESCRIBING THE METHOD OF ASSESSING ASSESSED COSTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. \_\_\_\_\_

WHEREAS, in June 2006 Carras Community Investment, Inc. completed a Feasibility Study, Analysis, Business Plan and Recommendations study entitled the "Fort Lauderdale Business Improvement District" ("Study"); and

WHEREAS, based on the finding of the Study, the City Commission adopted Ordinance No. C-06-34 in effect on October 3, 2006 (hereinafter referred to as "Ordinance") giving the authority to impose Beach Business Improvement Assessments; and

WHEREAS, in November 2006, Harry C. Newstreet & Associates prepared a report estimating the fair and equitable assessment to be imposed on the benefitting property owners and concluded that the improvements and enhancements will significantly benefit the owners of the properties in the assessment area at least in proportion to the costs allocated to them as a result of the analysis (the "Report"); and

WHEREAS, the Ordinance requires that an initial assessment resolution be adopted in order to impose Beach Business Improvement Assessments;

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

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This Resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Assessment Area" means the area which includes all Assessed Property pursuant to the Ordinance and this Resolution as more particularly described on Appendix A attached hereto and made a part hereof.

"Assessed Value" means the assessed value of a Tax Parcel as determined by the Broward County Property Appraiser's office as of November 1, 2006."

"Beach Business Improvement Assessed Costs" for purposes of this Resolution means the amount determined by the City Commission to be assessed for the portion of the fiscal year from March 7, 2007-September 30,2007 to fund all or any portion of the cost of the provision of services, facilities and/or programs in the Improvement District Area as more particularly defined in the Ordinance as detailed in Appendix F attached hereto and made a part hereof.

"Business Property" means any real property or structure within the Assessed Area that is used in connection with a business for Commercial Purposes as of November 1, 2006 and that is not otherwise exempt pursuant to the Ordinance.

"City" means the City of Fort Lauderdale, Florida.

"Commercial Purposes" means Business Property in the Assessed Area that (1)has a classification of commercial on the property tax rolls of the Property Appraiser's Office; or (2)has been issued a certificate of occupancy, a temporary certificate of occupancy or a partial certificate of occupancy by the City for a non-residential use as defined in the ULDR whether such property is currently in use or not; or (3)has a development permit for a non-residential use as defined in the ULDR that has been approved by the City and a valid building permit that has been issued for development of such use; or (4) such other facts exist, as determined by the City Manager, that indicate the properties are being operated for a non-residential purpose as defined in the ULDR. If there is a conflict between the Property Appraiser's classification and the use as approved in the development and building permit or certificate of occupancy then the use as approved in the development and building permit or certificate of occupancy issued by the City shall prevail.

"Estimated Beach Business Improvement Assessment Rate" means the estimated rate of apportionment for the Beach Business Improvement Assessment to be imposed for the portion of the Fiscal Year from March 1, 2007 to September 30, 2007 on all Assessed Property which shall be \$0.5389 per \$1,000.00 of Assessed Value.

"Improvement District Area" means the area which includes all Assessed Property and all property that may be improved for a public purpose with the funds collected through the Beach Business Improvement Assessment as depicted on Appendix B attached hereto and made a part hereof.

"Property Appraiser" means the property appraiser's office for Broward County, Florida

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"ULDR" means the Unified Land Development Regulations for the City of Fort Lauderdale.

**SECTION 3. PROVISION AND FUNDING OF BEACH BUSINESS IMPROVEMENT SERVICES.**

(A) Upon the imposition of a Beach Business Improvement Assessment for services, facilities, or programs against Assessed Property located within the City, the City shall provide services, facilities or programs in the Improvement District Area above and beyond any services, facilities and programs the City may currently be providing as more particularly described in Appendix C attached hereto and made a part hereof.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Assessment Area within will be benefitted by the provision of beach improvement services, facilities, and programs in an amount not less than the Beach Business Improvement Assessment imposed against such parcel, computed in the manner set forth in this Initial Assessment Resolution.

**SECTION 4. IMPOSITION AND COMPUTATION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS.** Beach Business Improvement Assessments shall be imposed against all Business Property within the Assessed Area that is used for Commercial Purposes based on the Assessed Value of the Business Property as determined by the Property Appraiser as of January 1, 2006. Beach Business Improvement Assessments imposed for a portion of this Fiscal Year shall be computed on all assessed Property at the Estimated Beach Business Improvement Assessment Rate of \$0.5389 per \$1,000.00 of Assessed Value.

**SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.** It is hereby ascertained and declared that the Beach Business Improvement Assessments shall be computed in the manner set forth in this Initial Assessment Resolution and that Beach Business Improvement Assessed Costs provide a special benefit to the Assessed Property based upon the following legislative determinations.

**general**

(A) Upon the adoption of this Initial Assessment Resolution determining the Beach Business Improvement Assessed Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 1.04 of the Ordinance are hereby ratified and confirmed.

(B) It is fair and reasonable to use development permits, building permits and certificates of occupancy approved by the City to determine the classification of property because: the use as approved by the City provides consistency and accurate current information on the approved use of the property. It is also fair and reasonable to use the Property Appraiser's use codes of Assessed Property to determine classification of property because the Tax Roll database employing the use of such property use codes is the most comprehensive information readily available to determine the property use for property within the City.

**cost apportionment/methodology**

(D) Pursuant to the findings of the Report, in accordance with the Ordinance and other special assessment law, the methodology of apportioning Beach Business Improvement Assessed Costs among Business Property based on Assessed Value is the fairest and most equitable methodology due to the fact that the amount of the assessment for each parcel of land is not in excess of the proportional benefits as compared to other assessments on other parcels of land and proportional to the special benefit received.

**SECTION 6. DETERMINATION OF BEACH BUSINESS IMPROVEMENT ASSESSED COSTS; ESTABLISHMENT OF INITIAL BEACH BUSINESS IMPROVEMENT ASSESSMENTS.**

(A) The Beach Business Improvement Assessed Costs to be assessed and apportioned among benefitted parcels for a portion of the Fiscal Year commencing March 1, 2007, is based on the Estimated Beach Business Improvement Assessment Rate as described in Section 4 hereof. The approval of the Estimated Beach Business Improvement Assessment

Rate by the adoption of this Initial Assessment Resolution determines the amount of the Beach Business Improvement Assessed Costs.

(B) The Estimated Beach Business Improvement Rate specified herein is hereby established to fund the specified Beach Business Improvement Assessed Costs determined to be assessed.

(C) The estimated Beach Business Improvement Assessments established in this Initial Assessment Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the preliminary Assessment Roll for the portion of the Fiscal Year commencing March 1, 2007, as provided in this Initial Assessment Resolution.

(D) The Estimated Beach Business Improvement Assessment Rate is hereby established. The Estimated Beach Business Improvement Assessment Rate shall be applied by the City Manager in the preparation of the Preliminary Assessment Roll.

#### SECTION 7. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the portion of the Fiscal Year commencing March 1, 2007, in the manner provided in the Ordinance. The Assessment Roll shall include all Tax Parcels determined to be Business Property for Commercial Purposes within the Assessed Area. The City Manager shall apportion the estimated Beach Business Improvement Assessed Cost to be recovered through Beach Business Improvement Assessments in the manner set forth in this Initial Assessment Resolution.

(B) A copy of this Initial Assessment Resolution, documentation related to the estimated amount of the Beach Business Improvement Assessed Cost to be recovered through the imposition of Beach Business Improvement Assessments, and the preliminary Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Beach Business Improvement Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Beach Business Improvement Assessments for beach business improvement services as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning the Beach Business Improvement Assessed Cost among parcels of Assessed Property located within the City.

SECTION 8. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on January 17, 2007, in the Commission Chambers of City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the Beach Business Improvement Assessments from the public and affected property owners and consider imposing Beach Business Improvement Assessments and collecting such assessments through an alternative method of collection as described in section 3.02 of Ordinance

SECTION 9. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 8 hereof in the manner and time provided in Section 2.04 of the Ordinance. The notice shall be published no later than December 28 2007, in substantially the form attached hereto as Appendix D.

SECTION 10. NOTICE BY MAIL. The City Manager shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05 of the Ordinance, in substantially the form attached hereto as Appendix E. Such notices shall be mailed no later than December 28, 2007.

SECTION 11. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Beach Business Improvement Assessments will be utilized for the provision of beach business improvement services, facilities, and programs as shown on Appendix C. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund beach business improvement services, facilities, and programs.

SECTION 12. COLLECTION OF ASSESSMENTS. The City Commission hereby authorizes the collection of the Beach Business Improvement Assessments through the City Treasurer as contemplated in Section 3.02 of the Ordinance.


SECTION 13. CHANGES TO THE CLASSIFICATION OF PROPERTY. In the event any Business Property in the Assessed Area shall cease to be classified as Business Property during the applicable portion of the Fiscal Year and the Beach Business Improvement Assessment shall have already been assessed and collected against such property, there shall be no refund of such assessment monies to the property owner, however, the property owner shall notify City and upon proper determination by the City such property shall be reclassified and assessments for future years shall be discontinued for so long as the property remains non Business Property.

SECTION 14. ADJUSTMENTS TO ASSESSED VALUE. In the event Assessed Value is adjusted by the Broward County Value Adjustment Board after January 1, 2006, then the adjusted value shall be used to recalculate the Beach Business Improvement Assessment to be imposed against the Assessed Property. All Beach Business Improvement Assessments, however, shall be due and payable at the time stated regardless of any dispute regarding the appraised value of Business Property with the Property Appraiser's Office.


SECTION 15. CLASSIFICATION OF PROPERTY. Classification of property as Business Property for Commercial Purposes as defined herein shall not be considered a determination by the City of whether the use of such property is a legal use or that the development is in conformance with the ULDR.

SECTION 16. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this the 19th day of December, 2006.

  
\_\_\_\_\_  
Mayor  
JIM NAUGLE

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA JOSEPH

DESCRIPTION (IMPACTED PROPERTIES)

LOTS 1 THROUGH 5, LOTS 12 THROUGH 15 AND LOT 25, BLOCK 1 AND LOT 2, BLOCK 2, "ATLANTIC BEACH DEVELOPMENT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 1 TOGETHER WITH LOTS 1 AND 5, "RESUBDIVISION OF LOT 1 BLOCK 2, ATLANTIC BEACH DEVELOPMENT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 29, PAGE 7, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL "A", "VANDERBILT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 36, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 1 THROUGH 5, "BARCELONA BEACH", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 29, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

BLOCK 10, LESS THE WEST 223 FEET; BLOCK "G" LESS THE WEST 160 FEET; BLOCK "F" LESS THE EAST 100 FEET OF THE WEST 200 FEET OF THE NORTH 100 FEET THEREOF, "BIRCH OCEAN FRONT SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 22, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOT 1, "RESUBDIVISION OF BLOCK E, BIRCH OCEAN FRONT SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF "RESUBDIVISION OF BLOCK B, BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOT 1, BLOCK 3, LOTS 1, 2 AND 3, BLOCK 9, ALL OF BLOCK D AND BLOCK "C" LESS THE WEST 150 FEET THEREOF, "BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 18 THROUGH 24, "BIRCH ESTATES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 1 THROUGH 7, BLOCK 8, "LAUDER DEL MAR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 7, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF SAID BLOCK 8, "LAUDER DEL MAR"; THENCE RUN NORTH PERPENDICULAR TO THE NORTH LINE OF SAID "LAUDER DEL MAR" A DISTANCE OF 100.00 FEET; THENCE RUN EAST, MAKING AN INCLUDED ANGLE OF 90 DEGREES A DISTANCE OF 46.39 FEET; THENCE RUN NORTH MAKING AN INCLUDED ANGLE OF 270 DEGREES A DISTANCE OF 100.00 FEET; THENCE RUN EAST MAKING AND INCLUDED ANGLE OF 90 DEGREES, ALONG A LINE 200 FEET NORTH OF AND PARALLEL TO THE SAID NORTH LINE OF "LAUDER DEL MAR", A DISTANCE OF 351.73 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH ATLANTIC BOULEVARD (ALSO KNOWN AS FORT LAUDERDALE BEACH BOULEVARD), THE LAST COURSE BEING COINCIDENT WITH THE SOUTH LINE OF SAID "BIRCH ESTATES"; THENCE RUN SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 200.58 FEET TO THE NORTH LINE OF SAID "LAUDER DEL MAR"; THENCE RUN WEST ALONG SAID NORTH LINE A DISTANCE OF 382.90 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

LOTS 1 THROUGH 9 AND 15, BLOCK 7, OF SAID "LAUDER DEL MAR"; LESS THOSE PORTIONS TAKEN FOR RIGHT-OF-WAY FOR STATE ROAD A-1-A.

TOGETHER WITH:

LOTS 4 AND 5 OF BLOCK 6 OF SAID "LAUDER DEL MAR"; LESS THOSE PORTIONS TAKEN FOR RIGHT-OF-WAY FOR STATE ROAD A-1-A.

TOGETHER WITH:

LANDS BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF NORTH ATLANTIC BOULEVARD (ALSO KNOWN AS FORT LAUDERDALE BEACH BOULEVARD), BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF CORTEZ STREET, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTH SEABREEZE BOULEVARD (SOUTH BOUND A-1-A) AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF CASTILLO STREET.

TOGETHER WITH:

LOTS 1 THROUGH 7, BLOCK 1, OF SAID "LAUDER DEL MAR", LESS THOSE PORTIONS TAKEN FOR RIGHT-OF-WAY FOR STATE ROAD A-1-A.

TOGETHER WITH:

LOTS 1 THROUGH 6, BLOCK 4, OF THE "RE-AMENDED PLAT OF BLOCKS A AND 2 OF THE AMENDED PLAT OF LAS OLAS BY THE SEA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LANDS BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF NORTH ATLANTIC BOULEVARD (ALSO KNOWN AS FORT LAUDERDALE BEACH BOULEVARD), BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF EAST LAS OLAS BOULEVARD, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF NORTH SEABREEZE BOULEVARD (SOUTH BOUND A-1-A) AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF POINSETTIA STREET; LESS LOTS 12 THROUGH 14, BLOCK 6, OF SAID "RE-AMENDED PLAT OF BLOCKS A AND 2 OF THE AMENDED PLAT OF LAS OLAS BY THE SEA".

TOGETHER WITH:

THOSE PORTIONS OF LOTS 2, 3 AND 4, BLOCK 2 OF SAID "RE-AMENDED PLAT OF BLOCKS A AND 2 OF THE AMENDED PLAT OF LAS OLAS BY THE SEA", LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SEABREEZE BOULEVARD (SOUTH BOUND A-1-A).

TOGETHER WITH:

LANDS BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF EAST LAS OLAS BOULEVARD; BOUNDED ON THE EAST AND SOUTHEAST BY THE WEST RIGHT-OF-WAY LINE OF NORTH ATLANTIC BOULEVARD (ALSO KNOWN AS FORT LAUDERDALE BEACH BOULEVARD), AND BOUNDED ON THE WEST AND SOUTHWEST BY THE EAST RIGHT-OF-WAY LINE OF SEABREEZE BOULEVARD (SOUTH BOUND A-1-A).

TOGETHER WITH:

PARCELS 1 THROUGH 34, "BAHIA MAR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 14 THROUGH 18, LOT 28 AND THAT PORTION OF LOT 27 LYING EAST OF A LINE 100 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 27, "OCEAN HARBOR", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL "X", "HARBOR BEACH, A RESUBDIVISION OF A PORTION OF UNIT ONE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 32, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 1 AND 2, "HOLIDAY BEACH", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 3 AND 4, "HOLIDAY BEACH – TWO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 92, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.



**BID AREA BEACH MAINTANENCE**  
**BASELINE and PROPOSED BID SERVICES**

<b>AREA</b>	<b>SERVICE</b>	<b>BASELINE FREQUENCY</b>	<b>BID FREQUENCY</b>
<b>SAND</b>	• HAND PICK FROM HIGHWATER MARK TO WALL	Daily 7A-1P *large debris only *one pass	Daily as needed 10A-10P *large and small debris
	• MACHINE SCREEN SAND	TBD	N/A
<b>GATEWAY STEPS</b>	• SWEEP	Once a week	Twice daily
<b>BEACH SHOWERS</b>	• REMOVE SAND	Once a week	Twice daily
<b>SIDEWALK (East of A1A)</b>	• PRESSURE WASH	Six times per year	N/A
	• DEBRIS SWEEP	N/A	Daily as needed 10A-10P
	• HAND PICK DEBRIS	Daily 7A-1P *Large debris only *one pass	Daily as needed 10A-10P
<b>MEDIANS</b>	• HAND PICK	Once a week	Twice daily
<b>SIDEWALK (West of A1A)</b>	• PRESSURE WASH	N/A	Six times per year
	• DEBRIS SWEEP	N/A	Twice daily
	• HAND PICK DEBRIS	N/A	Twice daily
<b>TRASH RECEPTACLES</b>	• EMPTY/CLEAN (Sand)	Once in AM 7 days	Daily as needed 10A-10P
	• EMPTY/CLEAN (Sidewalk)	Once in AM 7 days Once in PM 5 days	Daily as needed 10A-10P
<b>A1A ROAD SURFACE</b>	• MACHINE STREET SWEEP	Every morning 7 days	N/A
	• HAND PICK DEBRIS	N/A	Twice daily

To Be Published by December 28, 2007

**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION BEACH BUSINESS IMPROVEMENT ASSESSMENTS**

Notice is hereby given that the City Commission of the City of Fort Lauderdale will conduct a public hearing to consider the imposition of special assessments for the provision of beach business improvement within certain portions of the beach area in the municipal boundaries of the City of Fort Lauderdale as more specifically detailed in the map attached hereto.

The hearing will be held at 6:00 pm on January 17, 2007 in the Commission Chambers of City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respects to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's Office at (954) 828-5002, at least two days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and assessed value of that parcel as determined by the Property Appraiser. The following table reflects the proposed beach business improvement assessment.

**BEACH BUSINESS IMPROVEMENT**

<b>Property Classification</b>	<b>Rate</b>
<b>Business Property for Commercial Purposes*</b>	<b>\$0.5389 per \$1000 of assessed value</b>

\*As Defined in the Initial Assessment Resolution.

Copies of the Beach Business Improvement Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at City Hall, located at 100 North Andrews Avenue, Fort Lauderdale, Florida.

The assessments will be collected through the City on a bill to be mailed by the City Treasurer. Failure to pay the assessment will cause a lien to be imposed against the property which may result in a loss of title.

If you have any questions, please contact the Director of Economic Development at (954) 828-4515, Monday through Friday between 9:00 a.m. and 5:00 p.m.

[INSERT OR ATTACH MAP/LEGAL OF THE ASSESSED AREA]

**CITY COMMISSION  
CITY OF FORT LAUDERDALE, FLORIDA**

City of Fort Lauderdale  
City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301

**FORT LAUDERDALE, FLORIDA**  
**NOTICE OF HEARING TO IMPOSE AND PROVIDE**  
**FOR COLLECTION OF BEACH BUSINESS**  
**IMPROVEMENT NON-AD VALOREM ASSESSMENTS**  
NOTICE DATE: \_\_\_\_\_, 2006

**\*\*\*\*\*NOTICE TO PROPERTY OWNER\*\*\*\*\***

{owner1}  
{address1}  
{City} {State} {Zip}

Parcel ID # (pid)

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Notice is given by the City of Fort Lauderdale (City) that an annual assessment for beach business improvement services, may be levied on your property for a portion of the fiscal year March 1, 2007 – September 30, 2007. The purpose of this assessment is to fund beach business improvement services benefiting improved property located within the City. The total partial fiscal year beach business improvement assessment revenue to be collected within the City is estimated to be \_\_\_\_\_. The annual beach business improvement assessment is based on the classification of each parcel of property and the assessed value of the property as determined by the Property Appraiser.

The above parcel is classified as Business Property for Commercial Purposes

The annual beach business improvement assessment for the portion of the fiscal year for the above parcel is {totalAssess}

A public hearing will be held at 6pm on January 17, 2007, in the City Commission Chambers in City Hall, located at 100 N. Andrews Avenue, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim records is made, including the testimony and evidence upon which the appeal is to be made. If you desire auxiliary services to assist in viewing or hearing the meeting or reading the addenda and minutes for the meeting, please contact the City Clerk at (954) 828-5002 two (2) days prior to the meeting and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Beach Business Improvement Assessment Ordinance, the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at City Hall, 100 N. Andrews Avenue, Fort Lauderdale, Florida 33301.

Failure to pay the assessments will cause a lien to be imposed against the property which may result in a loss of title. If there is a mistake on this notice, it will be corrected. If you have any questions regard your assessment or if you have a correction regarding the parcel classification shown on this notice, please call the Director of Economic Development at (954) 828-4515 from 9:00 a.m. to 5 p.m., Monday – Friday.

**\*\*\*\*\*THIS IS NOT A BILL\*\*\*\*\***

**City of Fort Lauderdale**  
**Beach Business Improvement District**  
(March 1<sup>st</sup> 2007 – September 30<sup>th</sup> 2007)

<b>Revenue</b>	
District Assessments to Property	\$333,679.50
City Contribution	\$ 43,750.00
<b>Total Revenue</b>	<b>\$377,429.50</b>
<b>Total Expenses</b>	
<b>Administration</b>	
Payroll	\$ 87,500.00
Office Rent	\$ 17,500.00
Office Equipment	\$ 2,400.00
Office Supplies	\$ 300.00
Utilities	\$ 1,540.00
Mail and Printing	\$ 300.00
District Enhanced Maintenance Contract	\$252,000.00
Contingency (5%) *	\$ 15,889.50
<b>Total Expenses</b>	<b>\$377,429.50</b>
<b>Revenue less Expenses</b>	<b>\$ 0.00</b>

\* Finance recommends that the BID anticipate 95% of the assessments will be received.

ORDINANCE NO. C-07-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-06-34 CREATING A BEACH IMPROVEMENT AREA AND AUTHORIZING THE CITY COMMISSION TO IMPOSE SPECIAL ASSESSMENTS FOR BEACH IMPROVEMENTS TO CLARIFY THE DEFINITION OF "GOVERNMENT PROPERTY" AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That SECTION 1.01 of Ordinance No. C-06-34 defining "Government Property" shall be amended to read as follows:

"Government Property" means property owned and used by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation. Government Property shall not include property owned by a government and leased to a private entity for a commercial use.

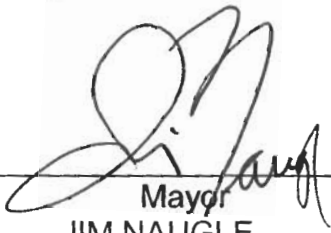
SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.


SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING this 4th day of January, 2007.

PASSED SECOND READING this 17th day of January, 2007.

  
\_\_\_\_\_  
Mayor  
JIM NAUGLE

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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RESOLUTION NO. 07-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF BEACH BUSINESS IMPROVEMENT SERVICES IN THE IMPROVEMENT DISTRICT AREA; IMPOSING BEACH BUSINESS IMPROVEMENT ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE ASSESSMENT AREA FOR A PORTION OF THE FISCAL YEAR BEGINNING MAY 1, 2007; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL AND PROVIDING AN EFFECTIVE DATE.

---

WHEREAS, the City Commission of Fort Lauderdale, Florida (the "City Commission"), has enacted Ordinance No. C-06-34 (the "Ordinance"), which authorizes the imposition of Beach Business Improvement Assessments for beach business improvement services, facilities, and programs against Assessed Property located within the Assessed Area; and

WHEREAS, the imposition of a Beach Business Improvement Assessment for beach business improvement services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Beach Business Improvement Assessed Costs among parcels of Assessed Property; and

WHEREAS, the City Commission desires to impose a beach business improvement assessment program in the Assessment Area using the procedures provided by the Ordinance, including the alternative method of collection for the portion of the Fiscal Year beginning on May 1, 2007; and

WHEREAS, the City Commission, on December 19, 2007, adopted Resolution No. 06-207 (the "Initial Assessment Resolution"); and

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the services to be provided to the Improvement District Area; describes the method of apportioning the Assessed Cost to compute the Beach Business Improvement Assessment for services against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, in order to impose Beach Business Improvement Assessments for a portion of the Fiscal Year beginning May 1, 2007, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates of assessment and approves the

Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on February 20, 2006, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance;

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. C-06-34; Resolution No. 06-207; Article VIII, Section 2, Florida Constitution; Sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Final Assessment Resolution as defined in Ordinance No. C-06-34. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. IMPOSITION OF BEACH BUSINESS IMPROVEMENT ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefitted by the provision of the beach business improvement services, facilities, and programs described or referenced in the Initial Assessment Resolution, in the amount of the Beach Business Improvement Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Improvement District will be specially benefitted by the City's provision of beach business improvement services, facilities, and programs in an amount not less than the Beach Business Improvement Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption

of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, and the Initial Assessment Resolution from the beach business improvement services, facilities, or programs to be provided and a legislative determination that the Beach Business Improvement Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method for computing Beach Business Improvement Assessments described and referenced in the Initial Assessment Resolution and the cost apportionment methodology described and adopted in the Initial Assessment Resolution is hereby approved.

(C) For the portion of the Fiscal Year beginning May 1, 2007, the estimated Beach Business Improvement Assessed Cost to be assessed is \$179,276.32. The Beach Business Improvement Assessments to be assessed and apportioned among benefitted parcels pursuant to the cost apportionment to generate the estimated Beach Business Improvement Assessed Cost for the portion of the Fiscal Year commencing May 1, 2007, are hereby established as follows:

<b>Property Classification</b>	<b>Rate</b>
<b>Business Property for Commercial Purposes*</b>	<b>\$0.2895 per \$1000 of assessed value</b>

(D) As authorized in Section 2.06 of the Ordinance, the Maximum Assessment Rates to be assessed and apportioned among benefitted parcels in future fiscal years without additional notice to Tax Parcel Owners as required by the Ordinance are hereby established as follows:

<b>Property Classification</b>	<b>Rate</b>
<b>Business Property for Commercial Purposes*</b>	<b>\$0.2895 per \$1000 of assessed value</b>

\*As Defined in the Initial Assessment Resolution.

(E) The above rates of assessment are hereby approved. Beach Business Improvement Assessments for beach business improvement services in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the portion of the Fiscal Year beginning May 1, 2007- September 30, 2007.

(F) Any shortfall in the expected Beach Business Improvement Assessment proceeds due to any reduction or exemption from payment of the Beach Business Improvement Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Beach Business Improvement Assessments.

(G) As authorized in Section 2.13 of the Ordinance, interim Beach Business Improvement Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(H) Beach Business Improvement Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(I) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in Ordinance No. C-06-34, shall be delivered to the City Treasurer for collection using the alternative method of collection method in the manner prescribed by the Ordinance.


SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby confirmed with the modifications to the rate of assessment and estimated Beach Business Improvement Assessed Cost as provided herein.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Beach Business Improvement Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.


SECTION 6. 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 effecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this the 20th day of February, 2007.

  
\_\_\_\_\_  
Mayor  
JIM NAUGLE

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA JOSEPH

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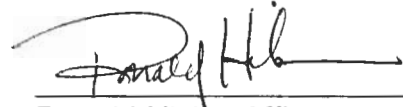
## **AFFIDAVIT OF MAILING**

BEFORE ME, the undersigned authority, personally appeared, Ronald Hicks, who, after being duly sworn, deposes and says:

1. Ronald Hicks as Director of Economic Development for the City of Fort Lauderdale, Florida ("City") has caused the notices required by Section 2.05 of the Business Improvement Assessment Ordinance adopted by the City Commission on October 3, 2006 (the "Assessment Ordinance") to be prepared in conformance with the Initial Assessment Resolution adopted by the City Commission on December 19, 2006 (the "Initial Assessment Resolution"). An exemplary form of such notice is attached hereto. Ronald Hicks has caused such individual notices for each affected property owner to be prepared and mailed by First Class, U.S. Mail to each owner of assessed property shown on the Assessment Roll in accordance with the Initial Assessment Resolution at the addresses then shown on the real property assessment tax roll database maintained by the Broward County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the classification of property and method of apportionment against each parcel to determine the assessment; the rate of assessment to be levied against the parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment may result in a loss of title; a statement that all affected property owners have a right

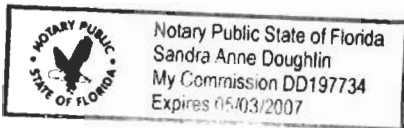
to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time and place of the hearing.

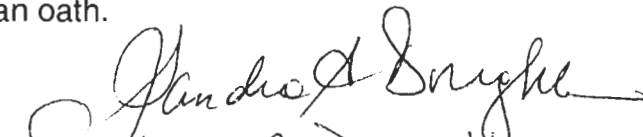
FURTHER AFFIANT SAYETH NOT.

  
Ronald Hicks, Affiant

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 20<sup>th</sup> day of February 2007, by Ronald Hicks, Director of Economic Development for the City of Fort Lauderdale, Fort Lauderdale, Florida. He is personally known to me or has produced \_\_\_\_\_ identification and did take an oath.



  
Sandra A. Doughlin  
Printed Name

Notary Public, State of Florida At Large  
My Commission Expires: 05/03/07  
Commission No.: DD197734

City of Fort Lauderdale  
City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301

**FORT LAUDERDALE, FLORIDA**  
**NOTICE OF HEARING TO IMPOSE AND PROVIDE**  
**FOR COLLECTION OF BEACH BUSINESS**  
**IMPROVEMENT NON-AD VALOREM ASSESSMENTS**  
NOTICE DATE: December 28, 2006

**\*\*\*\*\*NOTICE TO PROPERTY OWNER\*\*\*\*\***

{owner1}  
{address1}  
{City} {State} {Zip}

Parcel ID # (pid)

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Notice is given by the City of Fort Lauderdale (City) that an annual assessment for beach business improvement services may be levied on your property for a portion of the fiscal year March 1, 2007 – September 30, 2007. The purpose of this assessment is to fund beach business improvement services benefiting improved property located within the City. The total partial fiscal year beach business improvement assessment revenue to be collected within the City is estimated to be \$333,679.50. The annual beach business improvement assessment is based on the classification of each parcel of property and the assessed value of the property as determined by the Property Appraiser.

The above parcel is classified as Business Property for Commercial Purposes. The annual beach business improvement assessment for the portion of the fiscal year for the above parcel is

A public hearing will be held at 6pm on January 17, 2007, in the City Commission Chambers in City Hall, located at 100 N. Andrews Avenue, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim records is made, including the testimony and evidence upon which the appeal is to be made. If you desire auxiliary services to assist in viewing or hearing the meeting or reading the addenda and minutes for the meeting, please contact the City Clerk at (954) 828-5002 two (2) days prior to the meeting and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Beach Business Improvement Assessment Ordinance, the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at City Hall, 100 N. Andrews Avenue, Fort Lauderdale, Florida 33301.

Failure to pay the assessments will cause a lien to be imposed against the property which may result in a loss of title. If there is a mistake on this notice, it will be corrected. If you have any questions regard your assessment or if you have a correction regarding the parcel classification shown on this notice, please call the Director of Economic Development at (954) 828-5719 from 9:00 a.m. to 5 p.m., Monday – Friday.

**\*\*\*\*\*THIS IS NOT A BILL\*\*\*\*\***

Fort Lauderdale, Broward County, Florida  
Boca Raton, Palm Beach County, Florida  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared James H. Croteau who on oath says that he/she is a duly authorized representative of

the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a Notice Hearing in the matter of Impose and Provide for Collection Beach Business Improvement Assessments in the paper in the issues of December 28, 2006 Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised, any person, firm or corporation any discount, rebate, commission or refund for

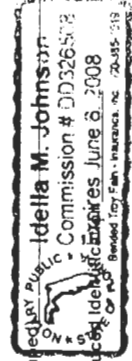
the purpose of securing this advertisement for publication in said newspaper.

RECEIVED  
CENTRAL ACCOUNTING  
2007 JAN -4 AM 9:10

James H. Croteau  
(Signature of Affiant)

I, Idella M. Johnson and subscribed before me on December 28, 2006 A.D.

Idella M. Johnson  
(Signature of Notary Public)



(Name of Notary typed, printed or stamped) Idella M. Johnson Personally  
Known Idella M. Johnson or Production of Idella M. Johnson

# NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION BEACH BUSINESS IMPROVEMENT ASSESSMENTS

Notice is hereby given that the City Commission of the City of Fort Lauderdale will conduct a public hearing to consider the imposition of special assessments for the provision of beach business improvement within certain portions of the beach area in the municipal boundaries of the City of Fort Lauderdale as more specifically detailed in the map attached hereto for a portion of the fiscal year March 1, 2007-September 30, 2007.

The hearing will be held at 6:00 pm on January 17, 2007 in the Commission Chambers of City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice.

The assessment for each parcel of property will be based upon each parcel's classification and assessed value of that parcel as determined by the Property Appraiser. The following table reflects the proposed beach business improvement assessment.

## BEACH BUSINESS IMPROVEMENT

Property Classification	Rate
Business Property for Commercial Purposes*	\$0.5389 per \$1000 of assessed value

\*As Defined in the Initial Assessment Resolution.

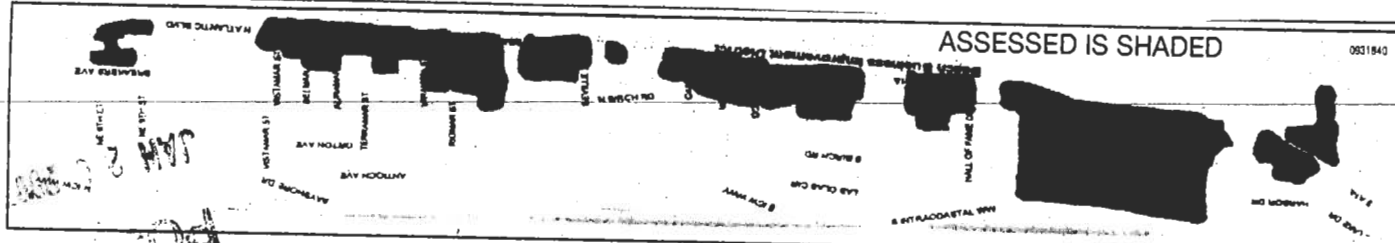
Copies of the Beach Business Improvement Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at City Hall, located at 100 North Andrews Avenue, Fort Lauderdale, Florida.

The assessments will be collected through the City on a bill to be mailed by the City Treasurer. Failure to pay the assessment will cause a lien to be imposed against the property which may result in a loss of title.

If you have any questions, please contact the Director of Economic Development at (954) 828-4515, Monday through Friday between 9:00 a.m. and 5:00 p.m.

NOTE: If a person decides to appeal any decision made by the City Commission with respects to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's Office at (954) 828-5002, at least two days prior to the date of the hearing.

JONDA JOSEPH  
CITY CLERK  
CITY OF FORT LAUDERDALE,  
FLORIDA



ASSESSED IS SHADED