



City of Miami
Legislation
Resolution: R-13-0136

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 13-00284

Final Action Date: 4/11/2013

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE WYNWOOD BUSINESS IMPROVEMENT DISTRICT ("BID") AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF TEN (10) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE; AUTHORIZING AND DIRECTING THE CITY MANAGER, THE CITY CLERK, THE FINANCE DIRECTOR, THE WYNWOOD BID PROJECT DIRECTOR, AND ALL OTHER NECESSARY CITY OF MIAMI ("CITY") OFFICIALS AND WYNWOOD BID FORMATION OFFICIALS, AFTER CONSULTATION WITH THE CITY ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES.

WHEREAS, Chapter 170, Florida Statutes (2012) provides that a municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against property benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts; and

WHEREAS, based upon information collected over many years at various workshops, seminars, public meetings and as the results of independent market research, the Wynwood Business Improvement District Steering Committee ("Committee"), has determined that the most appropriate means of stabilizing and improving the retail district in Wynwood is the establishment of a business improvement district area to be known as the Wynwood Business Improvement District ("BID"); and

WHEREAS, the business improvement district concept is based on a partnership between the City of Miami ("City"), property owners, merchants, businesses, and other organizations in the commercial community, with funding to be generated by a special assessment to be levied on property owners within a specified geographic area and with affected property owners agreeing to assess themselves to pay for supplemental services which are to be determined by the affected property owners; and

WHEREAS, the Committee is also recommending that the City Commission consider adopting an ordinance that would: (i) establish a governing board for the BID, (ii) establish the structure, procedures, powers, duties, and other requirements for such governing board of the BID; and (iii) require such board to report annually to the City Commission regarding the goals, objectives, services, programs, and projects accomplished and annual budget allocations; and

WHEREAS, the boundaries of the proposed BID include commercial property, work-live property where 50% or more of the floor space is dedicated to work space, and not-for-profit property used for commercial purposes; and

WHEREAS, property owned or occupied by the City, other governmental entities, churches (used for religious purposes), libraries, not-for-profit organization property (used for their related charitable purposes), live-work property where 50% or more of the floor space is dedicated to living space, and self-standing residential property are exempt from the assessment; and

WHEREAS, the boundaries of the proposed BID are as follows:

All lots and lands (on Exhibits A-1 and A-2 attached hereto) adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby, and further designated by the assessment plat hereinafter provided, which include all of the commercial properties consisting of an forty-seven (47) block area of the central commercial core of Wynwood on the properties abutting:

Wynwood BID Boundaries / East - West Streets

1. NW 29th St (South side only) from the East side of NW 5th Ave to the West side of NW 2nd Ave.
 - a. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-024-2890
2. NW 29th St (North & South Sides) from the East side of NW 2nd Ave to the West side of N Miami Ave.
 - a. The following folio(s) on the North side of NW 29th St will be excluded from the BID:
 - i. 01-3125-028-0510
 - ii. 01-3125-028-0520
 - iii. 01-3125-028-0530
 - iv. 01-3125-028-0540
 - v. 01-3125-028-0560
 - vi. 01-3125-028-0570
 - b. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-028-1140
 - ii. 01-3125-028-0900
3. NE 29th St (South side only) from the East side of N Miami Ave to the West side of the railroad tracks.
 - a. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-004-0130
4. NW 28th St (North & South sides) from the East side of NW 5th Ave to the East side of NW 2nd Ave.
 - a. The following folio(s) on the North side of NW 28th St will be excluded from the BID:
 - i. 01-3125-024-2930
 - b. The following folio(s) on the South side of NW 28th St will be excluded from the BID:
 - i. 01-3125-032-0530
5. NE 28th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
 - a. The following folio(s) on the North side of NE 28th St will be excluded from the BID:
 - i. 01-3125-005-0510

- ii.01-3125-005-0470
- iii.01-3125-005-0480
- iv.01-3125-005-0450
- b. The following folio(s) on the South side of NE 28th St will be excluded from the BID:
 - i. 01-3125-005-0430
 - ii.01-3125-005-0440
- 6. NW 27th St (North & South sides) from the East side of NW 5th Ave to the East side of NW 2nd Ave.
 - a. The following folio(s) on the North side of NW 27th St will be excluded from the BID:
 - i. 01-3125-032-0530
 - b. The following folio(s) on the South side of NW 27th St will be excluded from the BID:
 - i. 01-3125-032-0350
- 7. NE 27th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
- 8. NW 26th St (North & South sides) from the East side of NW 5th Ave to the West side of NW 2nd Ave.
 - a. The following folio(s) on the North side of NW 26th St will be excluded from the BID:
 - i. 01-3125-032-0370
 - b. The following folio(s) on the South side of NW 26th St will be excluded from the BID:
 - i. 01-3125-032-0240
- 9. NW 26th St (South side only) from the East side of NW 2nd Ave to the West side of NW 1st Ave.
 - a. The following folio(s) on the North and South sides of NW 26th St and East of NW 2nd Ave will be included in the BID:
 - i. 01-3125-029-1010
 - ii.01-3125-029-1000
 - iii.01-3125-029-0980
 - b. The following folio(s) on the South side of NW 26th St will be excluded from the BID:
 - i. 01-3125-029-0990
 - ii.01-3125-029-0970
 - iii.01-3125-029-0960
 - iv.01-3125-029-0950
 - v.01-3125-029-0940
 - vi.01-3125-029-0930
 - vii.01-3125-029-0920
 - viii.01-3125-029-0910
- 10. NE 26th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
- 11. NW 25th St (North & South sides) from the East side of NW 5th Ave to the West side of NW 1st Ave.
 - a. The following folio(s) on the North side of NW 25th St will be excluded from the BID:
 - i. 01-3125-033-0170
 - ii.01-3125-029-1070
 - iii.01-3125-029-1080
 - iv.01-3125-029-1090
 - v.01-3125-029-1100
 - vi.01-3125-029-1110
 - vii.01-3125-029-1140

- b. The following folio(s) on the South side of NW 25th St will be excluded from the BID:
 - i. 01-3125-033-0210
- 12. NW 25th St (North & South sides) from the East side of NW 1st Ave to the West side of N Miami Ave.
 - a. The following folio(s) on the North side of NW 25th St will be excluded from the BID:
 - i. 01-3125-029-1280
 - ii. 01-3125-029-1310
 - iii. 01-3125-029-1320
 - iv. 01-3125-029-1330
 - b. The following folio(s) on the South side of NW 25th St will be excluded from the BID:
 - i. 01-3125-036-0100
 - c. The following folio(s) on the North side of NW 25th St will be included in the BID:
 - i. 01-3125-029-1300
 - ii. 01-3125-029-1340
 - iii. 01-3125-029-1345
 - iv. 01-3125-029-1350
- 13. NE 25th St (North & South sides) from the East side of N Miami Ave to the West Side of the railroad tracks.
- 14. NW 24th St (North & South sides) from the East side of NW 5th Ave to the West side of N Miami Ave.
 - a. The following folio(s) on the North side of NW 24th St will be excluded from the BID:
 - i. 01-3125-033-0240
 - b. The following folio(s) on the South side of NW 24th St will be excluded from the BID:
 - i. 01-3125-034-0250
 - ii. 01-3125-034-0440
 - iii. 01-3125-034-0450
 - iv. 01-3125-034-0460
- 15. NE 24th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
- 16. NW 23rd St (North & South sides) from the East side of NW 5th Ave to the West side of N Miami Ave.
 - a. The following folio(s) on the North side of NW 23rd St will be excluded from the BID:
 - i. 01-3125-034-0250
 - ii. 01-3125-038-0050
 - b. The following folio(s) on the South side of NW 23rd St will be excluded from the BID:
 - i. 01-3125-038-0050
 - ii. 01-3125-067-0010
 - iii. 01-3125-048-0010
- 17. NE 23rd St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
- 18. NW 22nd St (North side only) from the East side of NW 5th Ave to the West side of NW 2nd Ave.
- 19. NW 22nd St (South side only) from the East side of NW 2nd Ave to the West side of NW 1st Ave.
 - a. The following folio(s) on the South side of NW 22nd St will be excluded from the BID:
 - i. 01-3125-054-0330
- 20. NW 21st St (North side) from the East side of NW 2nd Ave to the West side of NW 1st Pl.

- a. The following folio(s) on the South side of NW 21st St will be included in the BID:
 - i. 01-3125-051-0090
 - ii. 01-3125-054-0600

Wynwood BID Boundaries / North - South Streets

- 21. NW 3rd Ave (East & West sides) from NW 29th St to NW 25th St.
- 22. NW 2nd Ave (East & West sides) from NW 29th St to NW 21st St.
- 23. NW 1st Pl (East & West sides) from NW 23rd St to NW 21st St.
- 24. NW 1st Ct (East & West sides) from NW 23rd St to NW 21st St.
 - a. The following folio(s) on the West side of NW 1st Ct will be excluded from the BID:
 - i. 01-3125-050-0050
 - ii. 01-3125-050-0060
 - iii. 01-3125-050-0070
 - b. The following folio(s) on the East side of NW 1st Ct will be excluded from the BID:
 - i. 01-3125-049-0060
 - ii. 01-3125-049-0050
 - iii. 01-3125-054-0330
- 25. NW 1st Ave (West side only) from NW 22nd St to NW 22nd St.
- 26. N Miami Ave (East & West sides) from NW 29th St to NW 20th St.
 - a. The following folio(s) on the West side of N Miami Ave will be excluded from the BID:
 - i. 01-3125-048-0010
 - b. The following folio(s) on the East side of N Miami Ave will be excluded from the BID:
 - i. 01-3125-004-0130
 - ii. 01-3125-004-0140
 - iii. 01-3125-005-0510

ADDITIONAL FOLIOS INCLUDED IN THE WYNWOOD BID GEOGRAPHIC AREA

- | | |
|--------------------------|--|
| 27. 2700 N. Miami Ave., | 01-3125-83-1010 (ground fl. retail wrap frontage only) |
| 28. 94 NE 29th Street, | 01-3125-004-0240 |
| 29. 115 NW 23rd Street, | 01-3125-038-0100 |
| 30. 208 NW 28th Street, | 01-3125-031-0020 |
| 31. 285 NW 27th Terrace, | 01-3125-031-0110 |
| 32. 2137 NW 2nd Ave., | 01-3125-051-0040 |
| 33. 260 NW 28th Street, | 01-3125-031-0070 |

WHEREAS, the City Commission hereby finds that the assessment has been fairly and reasonably apportioned amongst the properties that will receive the special benefit;

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

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Pursuant to the provisions of Chapter 170, Florida Statutes (2012), a special assessment is hereby authorized to be levied and collected and a special assessment district to be

known as the Wynwood Business Improvement District ("BID"), is hereby created for a period of ten (10) years, with boundaries to be as set forth in composite Exhibit A hereto attached and hereby incorporated by this reference, subject to the approval by a majority of affected property owners in said district, for the purposes of stabilizing and improving retail business in said district through promotion, management, marketing, and other similar services.

Section 3. The total estimated cost of the services to be funded by the proposed special assessments is approximately Seven Hundred Sixty Thousand Dollars (\$760,000) per year and special assessments shall be levied in accordance with the applicable provisions of Chapter 170, Florida Statutes, for the purposes of defraying a portion of the costs of services, programs, and projects, and based on the proposed Business Plan attached as Exhibit B, and the assessment methodologies by categories as set forth therein.

Section 4. The assessment shall be payable to the Finance Director of the City, or such other designated governmental agency, on such date as shall be contained in a bill to be mailed to each property owner within the BID at least thirty (30) days prior to the due date, and within thirty (30) days following the confirmation by the Commission of the Final Assessment Roll; installments not paid when due shall become due and payable in accordance with statutory provisions and shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid, and shall bear interest, at such rate or rates as specified in Section 170.09, Florida Statutes.

Section 5. The proposed BID area upon which the special assessments shall be levied, subject to the approval of a majority of affected property owners, shall incorporate the total area set forth in the map attached and incorporated herein as Exhibit A-1 and shall reflect the geographic boundaries description as set forth in Exhibit A-2, both attached hereto and incorporated herein.

Section 6. The special assessment shall be levied and collected for a ten (10) year period and another vote of the affected property owners would be required prior to the termination of such ten (10) year period to determine whether to continue or discontinue the special assessment or include additional properties in the district or change the boundaries of the district.

Section 7. In accordance with Chapter 170, there is on file with the City Clerk at the time of the adoption of this Resolution, an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement, the details of the proposed programs, services, and projects, and a cost estimate as indicated in the Business Plan and Budget attached hereto as composite Exhibit B, which shall be open to inspection by the public.

Section 8. In accordance with Chapter 170, there is on file with the City Clerk at the time of the adoption of this Resolution, a Preliminary Assessment Roll showing the lots to be assessed, the amounts of benefits to the properties to be assessed, and the assessments against each lot, which shall be considered at a future duly advertised Public Hearing to be held by the City Commission following the approval of a majority of affected property owners, at a time and place to be set in a separate Resolution, at which time the City Commission shall hear as an equalizing board all parties in regard to the proposed assessment, and after making any adjustments that the City Commission may deem appropriate, the Final Assessment Roll will be confirmed by a Resolution of the City Commission.

Section 9. This Resolution herein creating a special assessment district shall be advertised following its adoption.

Section 10. The City Manager, the City Clerk, the Finance Director, the Wynwood BID Project Manager, and other necessary City officials and Wynwood BID formation officials, after consultation with the City Attorney, are authorized{1} and directed to undertake all necessary actions and procedures to take such actions as contemplated by this Resolution, including any action appropriate in connection with obtaining the approval of the affected property owners.

Section 11. This Resolution shall become effective upon the date of its adoption herein provided, however, that if the proposed special assessment does not receive the approval of a majority (50% plus one) of the affected property owners pursuant to an election to be duly conducted by the City Clerk, this resolution shall be null and void.{2}

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

Exhibit A-1



CITY OF MIAMI PROPOSED WYNWOOD BUSINESS IMPROVE- MENT DISTRICT



Legend

- Rail
- CartoStreets
- Proposed Wynwood BID

MDC_Parcels 2/23/2013



Wynwood BID Boundaries

(3/29/13)

The following are the Wynwood BID Boundaries. Wynwood BID Map is attached.

Wynwood BID Boundaries / East - West Streets

1. NW 29th St (South side only) from the East side of NW 5th Ave to the West side of NW 2nd Ave.
 - a. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-024-2890
2. NW 29th St (North & South Sides) from the East side of NW 2nd Ave to the West side of N Miami Ave.
 - a. The following folio(s) on the North side of NW 29th St will be excluded from the BID:
 - i. 01-3125-028-0510
 - ii. 01-3125-028-0520
 - iii. 01-3125-028-0530
 - iv. 01-3125-028-0540
 - v. 01-3125-028-0560
 - vi. 01-3125-028-0570
 - b. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-028-1140
 - ii. 01-3125-028-0900
3. NE 29th St (South side only) from the East side of N Miami Ave to the West side of the railroad tracks.
 - a. The following folio(s) on the South side of NW 29th St will be excluded from the BID:
 - i. 01-3125-004-0130
4. NW 28th St (North & South sides) from the East side of NW 5th Ave to the East side of NW 2nd Ave.

- a. The following folio(s) on the North side of NW 28th St will be excluded from the BID:
 - i. 01-3125-024-2930
 - b. The following folio(s) on the South side of NW 28th St will be excluded from the BID:
 - i. 01-3125-032-0530
5. NE 28th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.
- a. The following folio(s) on the North side of NE 28th St will be excluded from the BID:
 - i. 01-3125-005-0510
 - ii. 01-3125-005-0470
 - iii. 01-3125-005-0480
 - iv. 01-3125-005-0450
 - b. The following folio(s) on the South side of NE 28th St will be excluded from the BID:
 - i. 01-3125-005-0430
 - ii. 01-3125-005-0440
6. NW 27th St (North & South sides) from the East side of NW 5th Ave to the East side of NW 2nd Ave.
- a. The following folio(s) on the North side of NW 27th St will be excluded from the BID:
 - i. 01-3125-032-0530
 - b. The following folio(s) on the South side of NW 27th St will be excluded from the BID:
 - i. 01-3125-032-0350
7. NE 27th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks:
8. NW 26th St (North & South sides) from the East side of NW 5th Ave to the West side of NW 2nd Ave.

a. The following folio(s) on the North side of NW 26th St will be excluded from the BID:

i. 01-3125-032-0370

b. The following folio(s) on the South side of NW 26th St will be excluded from the BID:

i. 01-3125-032-0240

9. NW 26th St (South side only) from the East side of NW 2nd Ave to the West side of NW 1st Ave.

a. The following folio(s) on the North and South sides of NW 26th St and East of NW 2nd Ave will be included in the BID:

i. 01-3125-029-1010

ii. 01-3125-029-1000

iii. 01-3125-029-0980

b. The following folio(s) on the South side of NW 26th St will be excluded from the BID:

i. 01-3125-029-0990

ii. 01-3125-029-0970

iii. 01-3125-029-0960

iv. 01-3125-029-0950

v. 01-3125-029-0940

vi. 01-3125-029-0930

vii. 01-3125-029-0920

viii. 01-3125-029-0910

10. NE 26th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.

11. NW 25th St (North & South sides) from the East side of NW 5th Ave to the West side of NW 1st Ave.

a. The following folio(s) on the North side of NW 25th St will be excluded from the BID:

i. 01-3125-033-0170

- ii. 01-3125-029-1070
- iii. 01-3125-029-1080
- iv. 01-3125-029-1090
- v. 01-3125-029-1100
- vi. 01-3125-029-1110
- vii. 01-3125-029-1140

b. The following folio(s) on the South side of NW 25th St will be excluded from the BID:

- i. 01-3125-033-0210

12. NW 25th St (North & South sides) from the East side of NW 1st Ave to the West side of N Miami Ave.

a. The following folio(s) on the North side of NW 25th St will be excluded from the BID:

- i. 01-3125-029-1280
- ii. 01-3125-029-1310
- iii. 01-3125-029-1320
- iv. 01-3125-029-1330

b. The following folio(s) on the South side of NW 25th St will be excluded from the BID:

- i. 01-3125-036-0100

c. The following folio(s) on the North side of NW 25th St will be included in the BID:

- i. 01-3125-029-1300
- ii. 01-3125-029-1340
- iii. 01-3125-029-1345
- iv. 01-3125-029-1350

13. NE 25th St (North & South sides) from the East side of N Miami Ave to the West Side of the railroad tracks.

14. NW 24th St (North & South sides) from the East side of NW 5th Ave to the West side of N Miami Ave.

- a. The following folio(s) on the North side of NW 24th St will be excluded from the BID:

- i. 01-3125-033-0240

- b. The following folio(s) on the South side of NW 24th St will be excluded from the BID:

- i. 01-3125-034-0250

- ii. 01-3125-034-0440

- iii. 01-3125-034-0450

- iv. 01-3125-034-0460

15. NE 24th St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.

16. NW 23rd St (North & South sides) from the East side of NW 5th Ave to the West side of N Miami Ave.

- a. The following folio(s) on the North side of NW 23rd St will be excluded from the BID:

- i. 01-3125-034-0250

- ii. 01-3125-038-0050

- b. The following folio(s) on the South side of NW 23rd St will be excluded from the BID:

- i. 01-3125-038-0050

- ii. 01-3125-067-0010

- iii. 01-3125-048-0010

17. NE 23rd St (North & South sides) from the East side of N Miami Ave to the West side of the railroad tracks.

18. NW 22nd St (North side only) from the East side of NW 5th Ave to the West side of NW 2nd Ave.

19. NW 22nd St (South side only) from the East side of NW 2nd Ave to the West side of NW 1st Ave.

- a. The following folio(s) on the South side of NW 22nd St will be excluded from the BID:

i. 01-3125-054-0330

20. NW 21st St (North side) from the East side of NW 2nd Ave to the West side of NW 1st Pl.

a. The following folio(s) on the South side of NW 21st St will be included in the BID:

i. 01-3125-051-0090

ii. 01-3125-054-0600

Wynwood BID Boundaries / North – South Streets

21. NW 3rd Ave (East & West sides) from NW 29th St to NW 25th St.

22. NW 2nd Ave (East & West sides) from NW 29th St to NW 21st St.

23. NW 1st Pl (East & West sides) from NW 23rd St to NW 21st St.

24. NW 1st Ct (East & West sides) from NW 23rd St to NW 21st St.

a. The following folio(s) on the West side of NW 1st Ct will be excluded from the BID:

i. 01-3125-050-0050

ii. 01-3125-050-0060

iii. 01-3125-050-0070

b. The following folio(s) on the East side of NW 1st Ct will be excluded from the BID:

i. 01-3125-049-0060

ii. 01-3125-049-0050

iii. 01-3125-054-0330

25. NW 1st Ave (West side only) from NW 22nd St to NW 22nd St.

26. N Miami Ave (East & West sides) from NW 29th St to NW 20th St.

a. The following folio(s) on the West side of N Miami Ave will be excluded from the BID:

i. 01-3125-048-0010

b. The following folio(s) on the East side of N Miami Ave will be excluded from the BID:

- i. 01-3125-004-0130
- ii. 01-3125-004-0140
- iii. 01-3125-005-0510

ADDITIONAL FOLIOS INCLUDED IN THE WYNWOOD BID GEOGRAPHIC AREA

27. 2700 N. Miami Ave.,	01-3125-83-1010 (ground fl. retail wrap frontage only)
28. 94 NE 29 th Street,	01-3125-004-0240
29. 115 NW 23 rd Street,	01-3125-038-0100
30. 208 NW 28 th Street,	01-3125-031-0020
31. 285 NW 27 th Terrace,	01-3125-031-0110
32. 2137 NW 2 nd Ave.,	01-3125-051-0040
33. 260 NW 28 th Street,	01-3125-031-0070

The Wynwood Business Improvement District Business Plan

March 20, 2013

Prepared and Presented By
David Collins, Wynwood BID Project Director
and The Wynwood BID Steering Committee

Mission Statement

The mission of the Wynwood Business Improvement District is to solidify Wynwood (the “District”) as a globally recognized center for art, creativity and culture with visibly clean and safe streets while enhancing the streetscape, artistic programming and neighborhood advocacy to promote Wynwood’s pedestrian activity and overall sense of place.

Introduction

Business Improvement Districts (BIDs) are an effective vehicle to cooperatively finance and maintain new levels of services and improvements that local government alone cannot accomplish. All revenues from the Wynwood Business Improvement District assessment will be directed back to the defined geographic area to finance a supplemental menu of enhanced services including security, sanitation, support of the arts, events, marketing, transportation, and advocacy with the municipal government on such district-specific matters as planning and zoning, capital improvements, and business development.

Relationship with Wynwood Partner 501 (c) 3 Organization

By agreement of its Boards of Directors, the Wynwood Business Improvement District (BID) will work hand-in-hand with the Wynwood Arts District Association (WADA), an independent 501 (c)(3) organization,. This will benefit the Wynwood BID in two specific ways:

1. WADA would be able to submit grant proposals to government and foundations as well as to solicit tax deductible donations for proposed projects of the BID
2. As the precedent district arts association, WADA can provide expertise, skills, and services aimed at marketing Wynwood. Note however these services may have to be procured on a competitive basis through a recognized procurement process agreed to by the City of Miami. The procurement process would then be executed by members of the Wynwood BID Board or their designated Selection Committee.

It is projected that this relationship between the BID and WADA will be synergistic and productive, and that it will strongly benefit both organizations and the Wynwood district as a whole.

Advocacy Efforts

The Wynwood BID will speak to the City and the County with a single unified voice. This partnership will seek a positive, productive and forward-looking relationship in all government related subjects, including but not limited to, baseline of services, infrastructure, zoning and land use regulation.

1. The Wynwood BID will make the case for the City of Miami to place 12 trash receptacles along 2nd Ave and to collect garbage from them daily. As well, the Wynwood BID will

purchase and place 24 trashcans, which the Wynwood BID will install on cross streets and along North Miami Ave. This will be contingent upon the City's agreement to collect the trash from the receptacles daily.

2. The Wynwood BID will partner with the City departments to ensure that basic City services are provided in a timely and effective manner as delineated in the Baseline of Services. This will include, among other items, such standard City services as mechanical truck sweeping, hand sweeping of sidewalks and gutters, and "graffiti busters", and police coverage.
3. On a routine basis, the Wynwood BID will provide to the City Public Works Dept. photos and addresses of damaged sidewalks in need of repair.
4. The Wynwood BID will work with the City Capital Improvements Dept. to facilitate the next generation of sidewalks to enhance pedestrian viability.
5. The Wynwood BID will work with the City of Miami to explore programs and initiatives to enhance the streetscape of the neighborhood, including but not limited to, tree and benches.
6. The Wynwood BID will advocate for the purchase and installation of human scale street lamps in Wynwood—the City does it for other commercial communities. The tall cobra lamps currently in place in Wynwood were originally designed for highway usage, and may have been serviceable for a warehouse district. They are absolutely the wrong lighting for a pedestrian district.
7. Approximately half of the City maintained streetlights in the District do not currently have working bulbs, which has worsened some of the recent security/safety problems seen in the District. The Wynwood BID will monitor the street lamps, which are "out" on the streets and will report these outages to the appropriate departments—whether they are City, FPL, or County offices for proper replacement of bulbs.

How the Wynwood BID will Improve the District

In speaking with one voice, the Wynwood BID will more effectively communicate with the City of Miami and, as needed, with the County. Due in part to the high rate of change in leadership within almost all City departments, it is difficult for the City of Miami to have a clear sense of the direction in which Wynwood is heading. There has not been time at the City to thoroughly re-assess Wynwood. In terms of City services, it is still generally seen as a warehouse district.

Over the past 5-7 years Wynwood has seen an explosion of new business. What were once underutilized warehouse buildings have been repopulated with creative office and retail businesses. There are thousands of new daily inhabitants of the District and tens of thousands of visitors who descend on Wynwood on a monthly basis.

The limited City services that are currently provided no longer make sense. A BID will help improve this by establishing a Baseline of Services to provide within the City Budget as well as advocating new or expanded services, which are more consistent with changes in the neighborhood. The Wynwood Business Improvement District will also undertake enhancements, improvements, and benefits for the community of Wynwood that the City of Miami has neither the financial resources nor the will to undertake on our behalf, including:

Security

The BID will supplement security services and re-define pedestrian and bicycle-based protection. City police services by car are becoming decreasingly appropriate in Wynwood's emerging pedestrian district. Currently, officers do not walk or bike on patrol in the district. A Wynwood BID will supplement City-provided services so that our walking areas will not only be perceived as safer, but will in fact be safer. A positive safety perception will enhance the duration and enjoyment of visits to Wynwood, and provide for a safer place to live and work.

Sanitation

The Wynwood BID will extensively supplement sanitation services in the District. Wynwood needs a strong and experienced sanitation team. Streets and sidewalks in Wynwood are dirty and largely unaddressed by the City. Some portions of the sidewalks are in desperate need of repair.

The Wynwood BID will further advocate for the City to provide twelve trash receptacles for NW 2nd Avenue, and request that the City collect the trash on a daily basis from this commercial area just as it does in other areas of the City. In exchange for an agreement with the City that trash will be collected daily, the BID will purchase and put in place an additional 24 trash receptacles in its first year.

Lighting

In order to improve sidewalk visibility at night while helping to illuminate the vibrant art that defines the Wynwood community, The Wynwood BID will initiate a program which will raise funds for increased lighting to be placed on the sides of Wynwood's buildings. Grant possibilities will be explored at the Federal level to determine the possibility of using solar energy for this purpose. The BID will partially fund the property owner's costs of installing down lighting on the sides of their buildings.

Additionally, somewhere between 30-50% of the cobra street lamps in Wynwood are currently not functioning. Under the current plan, street lamps are not repaired until they are reported to the correct office. The Wynwood BID staff will work to create a more efficient and continuous reporting program to minimize the number of street lamps in disrepair.

Parking

The Wynwood BID will seek out and suggest parking solutions for the Wynwood district. Parking should focus on convenience and service to customers and the generated revenue should, as allowed by State statute, provide for improvements to the Wynwood district.

Planning and Zoning

Through either an SAP initiative or a coordinated legislative effort, the Wynwood BID will invest funds into an effort to correct those oversights in the Miami 21 code which stunt and slow reasonable density development in the Wynwood district.

Signage

In concert with WADA, the Wynwood BID will develop, install, and maintain “Wynwood Styled” signage that clearly defines the art district’s boundaries. The BID will also work to develop and install pedestrian signage that directs pedestrians to Wynwood attractions and enables visitors to navigate the district.

Events

In discussion with the galleries and commercial businesses in the District, The Wynwood BID will partner with WADA and use funds to host, develop, and nurture new events that will both appeal to residents and draw visitors to the area. It will further support street enlivening activities in an attempt to reinvigorate the pedestrian shopping and dining atmosphere.

Arts

The Wynwood BID will act as a resource for preserving, documenting and helping to evolve the lively outdoor murals, which have helped to make Wynwood into a world-renowned arts destination. The BID will also foster cooperation between the District’s respected galleries as well as between gallerists and artists. At the heart of this effort in terms of coordination and leadership will be the establishment of an Art Curator as a BID paid staff member, the first such position within a US BID. The goal is to help make the District into a 24-hour, free to the public, outdoor living museum, both accessible and inspiring to all.

Activities

Through partnership with WADA, a dedicated 501(c)3 organization partner, the Wynwood BID will seek to secure the private sector and foundation grants deemed appropriate for expanded placemaking activities.

Wynwood's BID: The Fine Print

- The Wynwood BID will be established by a resolution of the City Commission of the City of Miami on April 11th, 2013, and will be brought into existence by a 50% plus one vote of affected property owners on June 4, 2013.
- The Wynwood BID will be a dependent organization established as a Board of the City of Miami, and will be subject to the Sunshine Laws of the State of Florida, as well as the same procurement procedures that govern the activities of the Coconut Grove BID, a board of the City.
- The annual Wynwood BID budget will be submitted for approval in a timely manner to the City Commission of the City of Miami.
- The Wynwood BID will conduct an annual audit and will provide it to the City of Miami in a timely fashion.
- The Wynwood BID will work in partnership with WADA-- a 501(c) 3 organization-- for purposes of procuring grants from the public and private sector that support placemaking in the commercial Wynwood neighborhood.
- The Wynwood BID will have a Sunset Provision of 10 years. At that time, in order for the BID to continue, there must be another vote held among affected property owners. This vote must result in a minimum of 50% plus one in order to continue the BID.
- If at any point in the first ten years, there is a desire to increase the number of folios included in the Wynwood BID, there must be a vote by all the affected property owners (not just the new folio owners). If the vote is successful at a level of 50% plus one, the BID will be expanded. However if the vote does not succeed, the only result will be that the expanded BID will not come into existence. In the event of a non-successful vote to expand the Wynwood BID, the original BID will not be dissolved; it will remain in place and in effect for the duration of its ten-year term.
- In each year of its existence, the BID will undertake a Baseline of Services review in cooperation with the City Manager of the City of Miami. In this way, the BID will monitor City provided services and ensure that these services are not being reduced as a result of the supplemental services being provided by the BID. During the first two years of its existence, the BID will conduct a baseline of services analysis every six months to give the City the opportunity to re-evaluate Wynwood as an evolving pedestrian district that merits, therefore, appropriately enhanced City services.
- The Wynwood BID Project—and WADA as the funding conduit for the BID formation effort-- will sign a Memorandum of Understanding with the City Clerk's Office of the

City of Miami so that the proper notices, advertisements, affidavits and services can be provided which guarantee the integrity of the BID election.

BID Governance

- In the two months after the June 4th in-person election date, property owners in the Wynwood BID will have the right to nominate himself or herself or another property owner to sit on the Wynwood BID Board. All nominations will be submitted to the affected property owners of Wynwood for a vote, with one vote per property owner regardless of the number of folios owned.
- There will be five voting members of the Wynwood BID Board. The top five vote getters will be seated as members of the BID Board on October 1, 2013. The terms will be staggered. In the first year elected voting members of the Wynwood BID Board, *by blind draw at the first meeting*, terms of the five members will be determined as:

Director A, a term of one year,
Director B, a term of one year,
Director C, a term of two years,
Director D, a term of two years,
Director E, a term of two years.
- All subsequent terms will be two years.
- A director may serve a maximum of three two-year terms in the first ten years of the BID. Directors A and B in the above first-year terms may, if elected, serve a maximum of seven years in the first ten year period of the BID. New elections will be held in the month of September each year.
- The Board will establish such committees as it deems necessary, and will determine the qualifications of those who sit on the committees.
- The Board will have the power and responsibility to write By-laws.
- All Board members must be paid up and current in terms of the BID assessments on their properties.
- The BID Board will strictly observe the requirements and guidelines of the Sunshine laws.
- The BID Board will have fiduciary responsibility for the Wynwood BID.
- The BID Board will comply with the City of Miami's procurement guidelines.
- All BID Board meetings will be publicly noticed.

Assessment Methodology

The Wynwood BID will not assess self-standing residential homes; neither will it assess live-work folios) defined as 50% or more floor space dedicated to living space). The Wynwood BID shall assess work-live space (defined as space that dedicated 50% or more of the floor space to work area).

Based on the use classification above, assessment methodology will include four categories of assessment: (1) square footage of first floor adjusted footage will be assessed at 22 cents per square foot; (2) upper stories of adjusted square footage will be assessed at 11 cents per square foot; (3) any ground floor additional square footage of land that is not occupied by a building will be assessed at 11 cents per square foot; and (4) any vacant square footage of property or vacant area used for parking will be assessed at 11 cents per square foot. To ensure an educated vote, the assessment methodology, amount of assessment, and BID objectives will be provided to each folio owner prior to such vote.

In any given year, and in ensuing years, the Board of Directors of the Wynwood BID will have the authority to increase the assessment over the previous year's rate by (a) one cent for the first floor adjusted footage and (b) by one half-cent for upper stories, additional land that is not built upon on ground floor, and vacant land. The Board of Directors must make this decision in a time-sensitive manner prior to the submission of the assessment level for the County Trim Notice. In any given year, the Board of Directors, at their discretion, may alternatively choose to not assess the additional rate for the following year.

During the first year of operations, the Wynwood BID will collect the assessments by sending out invoices and tracking incoming payments/checks upon arrival. In the event of unpaid assessments in the first year, the Wynwood BID will cooperate with the City Manager of the City of Miami to establish liens on the delinquent properties. Beginning with the second year of assessment collections, the Wynwood BID will submit the necessary information to Miami-Dade County so that the collections can be included on the Trim Notice as a *non ad valorem* assessment. The County will then convey the funds to the City, which will periodically convey the funds to the Wynwood BID. The Coconut Grove BID has never had to pay a fee to either the County or the City for collection activity. In order for this relationship to function, the City of Miami will sign an intergovernmental agreement on behalf of the Wynwood BID with the County.

During the ten-year tenure of the Wynwood BID, those properties that are subsequently developed will be assessed at the rates that were approved by the original vote on May 21, 2013, with the addition of any incremental increases that have been enacted by the Board of Directors in compliance with the initial conditions of the Wynwood BID vote.

Ballot Eligibility and Voting

A 50% plus one-majority vote of affected property owners is required for BID approval. Property owners are entitled to one vote per folio. In Florida, a non-vote is considered by statute to be a "no" vote. A full list of those folios eligible to vote will be submitted to the City of Miami City Clerk's office and distributed publicly. The number of folios eligible to vote will be submitted to the City of Miami on March 1, 2013. Residents who live in the area in homes and apartments will not be assessed and therefore will not be eligible to vote. Charter and other private schools will be assessed at the regular rates and will receive BID benefits. Work/live residences developed in the future (after June 2013) will be assessed at regular rates.

There will be a five-week mail-in ballot period beginning in May, 2013. Alternatively, there will also be an opportunity to vote in person in Wynwood on June 4th, 2013.

Wynwood BID Establishment Calendar

April 11th, 2013 City of Miami Commission Meeting, Resolution to Establish the
Wynwood BID, subject to 50%, plus one approval in a BID election;
noticed public hearing.

May 2013 Four-week period for mailing in election ballots for the BID.

June 4, 2013 Election Day in Wynwood—central voting booth location in Wynwood for in-person voting for the BID.

June 13, 2013 City of Miami Commission Meeting, Resolution to Accept
Election Results and resolution to set date for hearing
testimony, make final decision on levying assessments, and meet as equalizing board (30
day notice to property owners prior to equalizing board).

July 25, 2013 City of Miami Commission Meeting:

1) Resolution with public hearing to Levy Assessments and to meet as equalizing board.

2) Ordinance to amend City Code for Wynwood BID Board of Directors (First Reading).

3) Resolution with public hearing for establishing Uniform Method for Collecting Assessments, either this meeting or at September 12th meeting.

September 12, 2013 City of Miami Commission Meeting:

1) Ordinance to amend City Code for Wynwood BID Board of Directors (Second Reading).

2) If needed from July 25th meeting, Reso with public hearing for establishing Uniform Method for Collecting Assessments.

October 1, 2013 BID Opens for Business in Wynwood

Wynwood BID Budget -This budget is based on projected revenues of \$702,905, after offsets
First Year, October 1, 2013 – September 30, 2014

Income

Total projected assessment revenue	\$	755,000
5% non-payer allowance @ \$36,750	\$	717,250
2% avg. offset for early or late payment @ \$13,965; total projected revenue	\$	<u>702,905</u>

Expenses

Purchase & installation of 24 trash receptacles (not for commercial trash)	\$	10,000
Supplemental Sanitation/2 full time (not WOW) @ \$30,000 per	\$	75,000

Private Supplemental Security and Off-duty Miami Police Officers	\$	180,000
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SAP	\$	65,000
Streetscape, ie..trees, landscape, street furniture	\$	30,000
WADA and other Event Funding/50% matching with cash	\$	75,000
Development of Wynwood and Street Art App— <u>contributed by Lab Miami</u>	\$	(30,000)

Signage	\$	50,000
Down Lighting Matching Grants	\$	50,000

General

Electric	\$	---
Phone	\$	---
Office supplies	\$	---
Black copier purchase & toner cartridges	\$	---
		- <u>Items total 11,000</u>

Bookkeeper and Auditor	\$	14,000
Office space, <u>annual donated</u>	\$	(20,000)
Insurance--D&O and General Liability	\$	7,905

Administrative Staff

Executive Director half- time, BID employee	\$	---
Half-time Administrative Intern (WADA employee)	\$	---
Marketing Director (half time WADA employee)	\$	---
		- <u>Items total 85,000</u>

Art curator for street art	\$	50,000
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<u>Total</u>	\$	<u>702,905</u>
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City of Miami

Master Report

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

Enactment Number: R-13-0136

File Number: 13-00284	File Type: Resolution	Status: Passed
Version: 1	Reference:	Controlling Body: Office of the City Clerk
File Name: Establishing Special Assessment District - Wynwood BID		Introduced: 2/26/2013
Requester: District 2- Commissioner Marc David Sarnoff	Cost:	Final Action: 4/11/2013

Title: A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE WYNWOOD BUSINESS IMPROVEMENT DISTRICT ("BID") AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF TEN (10) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE; AUTHORIZING AND DIRECTING THE CITY MANAGER, THE CITY CLERK, THE FINANCE DIRECTOR, THE WYNWOOD BID PROJECT DIRECTOR, AND ALL OTHER NECESSARY CITY OF MIAMI ("CITY") OFFICIALS AND WYNWOOD BID FORMATION OFFICIALS, AFTER CONSULTATION WITH THE CITY ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES.

Sponsors:

Notes:

Indexes:

Attachments: 13-00284 Legislation.pdf,13-00284 Exhibit A-1.pdf,13-00284 Exhibit A-2.pdf,13-00284 Exhibit B.pdf,

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Office of the City Attorney	4/1/2013	Reviewed and Approved				
1	City Commission	4/11/2013	ADOPTED				Pass
1	Office of the Mayor	4/17/2013	Signed by the Mayor	Office of the City Clerk			
1	Office of the City Clerk	4/17/2013	Signed and Attested by City Clerk				
