

**FL Statutes Chapter 163
Part III
CRA Ordinances &
Resolutions
CRA Incentives
2022**



FEBRUARY 2022

**Community Redevelopment Agency
Fort Myers, FL**



Fort Myers Community Redevelopment Agency

The Fort Myers Community Redevelopment Agency (FMCRA) was created in September 1984 under Florida Statute 163 as an independent special district. The leadership consisted of a 7- member independent board and was a separate entity from the city council. The downtown CRA was formed during the same time as the third CRA within the City of Fort Myers. A lawsuit soon followed and as a result, the court advised that there could only be one CRA agency in an incorporated area or community with multiple districts. The Fort Myers CRA case set a precedent as to the number of CRAs allowed in an incorporated area or community. The districts were formed in 1988 as a result of the court rulings thus, the downtown CRA became a dependent special district, and the other two CRAs were eliminated. The independent 7-member board became the advisory board, and the Fort Myers City Council became the CRA itself.

Mission

The mission of the Fort Myers Community Redevelopment Agency is to improve the quality of life for Fort Myers residents and visitors by unifying and revitalizing distressed commercial districts and residential neighborhoods.

Title XI: County Organization and Intergovernmental Relations

2021 Florida Statute

Chapter 163 Part III: Community Redevelopment

163.330 Short title.

This part shall be known and may be cited as the “Community Redevelopment Act of 1969.”

History. —s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate

public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.

(4) It is further found that coastal resort and tourist areas or portions thereof which are deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

(5) It is further found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(6) It is further found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.

(7) It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public purpose requirement of s. 6(a), Art. X of the State Constitution.

History. —s. 2, ch. 69-305; ss. 1, 22, ch. 84-356; s. 1, ch. 98-201; s. 6, ch. 2006-11.

163.340 Definitions.

The following terms, wherever used or referred to in this part, have the following meanings:

(1) “Agency” or “community redevelopment agency” means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) “Public body” means the state or any county, municipality, authority, special district as defined in s. 165.031(7), or other public body of the state, except a school district.

(3) “Governing body” means the council, commission, or other legislative body charged with governing the county or municipality.

(4) “Mayor” means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) “Clerk” means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) “Federal Government” includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) “Slum area” means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

(c) The existence of conditions that endanger life or property by fire or other causes.

(8) “Blighted area” means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (d) Unsanitary or unsafe conditions.
- (e) Deterioration of site or other improvements.
- (f) Inadequate and outdated building density patterns.
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- (h) Tax or special assessment delinquency exceeding the fair value of the land.
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality.
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- (o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, “blighted area” means an area as defined in this subsection.

(9) “Community redevelopment” or “redevelopment” means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable

housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) “Community redevelopment area” means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality.

(11) “Community redevelopment plan” means a plan, as it exists from time to time, for a community redevelopment area.

(12) “Related activities” means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4).

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

(13) “Real property” means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) “Obligee” means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) “Area of operation” means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) “Housing authority” means a housing authority created by and established pursuant to chapter 421.

(19) “Board” or “commission” means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) “Public officer” means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) “Debt service millage” means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) “Increment revenue” means the amount calculated pursuant to s. 163.387(1).

(23) “Community policing innovation” means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

(24) “Taxing authority” means a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

History. —s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243; s. 33, ch. 91-45; s. 1, ch. 93-286; s. 1, ch. 94-236; s. 1447, ch. 95-147; s. 2, ch. 98-201; s. 1, ch. 98-314; s. 2, ch. 2002-294; s. 7, ch. 2006-11; s. 1, ch. 2006-307; s. 20, ch. 2013-15; s. 7, ch. 2015-30.

163.345 Encouragement of private enterprise.

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the

formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, subject to the limitations of s. 73.013; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act and chapter 420.

History. —s. 4, ch. 69-305; s. 4, ch. 83-231; s. 2, ch. 94-236; s. 2, ch. 98-314; s. 26, ch. 2001-60; s. 12, ch. 2005-287; s. 8, ch. 2006-11.

163.346 Notice to taxing authorities.

Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

History. —s. 8, ch. 84-356; s. 2, ch. 93-286; s. 13, ch. 95-310.

163.350 Workable program.

Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the

county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; the development of affordable housing; the implementation of community policing innovations; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History. —s. 5, ch. 69-305; s. 3, ch. 84-356; s. 3, ch. 94-236; s. 3, ch. 98-314.

163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.

Notwithstanding any other provision of general or special law, the purposes for which a taxing authority may levy taxes or appropriate funds to a redevelopment trust fund include the preservation and enhancement of the tax base of such taxing authority and the furthering of the purposes of such taxing authority as provided by law.

History. —s. 21, ch. 84-356.

163.355 Finding of necessity by county or municipality.

No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). The resolution must state that:

(1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History. —s. 6, ch. 69-305; s. 4, ch. 84-356; s. 4, ch. 94-236; s. 3, ch. 2002-294.

163.356 Creation of community redevelopment agency.

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality

to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a “community redevelopment agency.” A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority’s governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present,

unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.

(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(2).

(e) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History. —s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307; s. 2, ch. 2019-163; s. 28, ch. 2020-2.

163.357 Governing body as the community redevelopment agency.

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the

governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History. —s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.

163.358 Exercise of powers in carrying out community redevelopment and related activities.

Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment

agency created under s. 163.356, except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) and the power to assume the responsibility to bear loss as provided in s. 163.370(4).

(5) The power to approve the development of community policing innovations.

(6) The power of eminent domain.

History. —s. 2, ch. 77-391; s. 70, ch. 81-259; s. 7, ch. 84-356; s. 34, ch. 91-45; s. 5, ch. 98-314; s. 9, ch. 2006-11.

163.360 Community redevelopment plans.

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Community Planning Act.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(c) Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.

(3) The community redevelopment plan may provide for the development and implementation of community policing innovations.

(4) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(5) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (6).

(6)(a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required

prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this

subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(7) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans;

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

(e) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

(8) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area may not be so acquired unless:

(a) In the event the area is to be developed in whole or in part for residential uses, the governing body determines:

1. That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has increased in the area;

3. That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.

(b) In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:

1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

2. Acquisition may require the exercise of governmental action, as provided in this part, because of:

a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;

b. Tax delinquency;

c. Improper subdivisions;

d. Outmoded street patterns;

e. Deterioration of site;

f. Economic disuse;

g. Unsuitable topography or faulty lot layouts;

h. Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or

i. Any combination of such factors or other conditions which retard development of the area.

3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

(9) Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

(10) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(4), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

History. —s. 7, ch. 69-305; s. 3, ch. 77-391; s. 5, ch. 83-231; s. 6, ch. 83-334; s. 9, ch. 84-356; s. 26, ch. 85-55; s. 3, ch. 93-286; s. 5, ch. 94-236; s. 3, ch. 98-201; s. 6, ch. 98-314; s. 63, ch. 99-2; s. 4, ch. 2006-307; s. 33, ch. 2011-139; s. 3, ch. 2016-198.

163.361 Modification of community redevelopment plans.

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.

(5) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such

modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

History. —s. 4, ch. 77-391; s. 6, ch. 83-231; s. 904, ch. 95-147; s. 7, ch. 98-314; s. 5, ch. 2002-294; s. 5, ch. 2006-307.

163.362 Contents of community redevelopment plan. —Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.

(2) Show by diagram and in general terms:

(a) The approximate amount of open space to be provided and the street layout.

(b) Limitations on the type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.

(3) If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.

(5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

(8) Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly, or if the plan is not intended to remedy such shortage, the reasons therefor.

(9) Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.

(11) Subsections (1), (3), (4), and (8), as amended by s. 10, chapter 84-356, Laws of Florida, and subsections (9) and (10) do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body has approved and adopted a community redevelopment plan pursuant to s. 163.360 before chapter 84-356 became a law; nor do they apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History. —s. 5, ch. 77-391; s. 7, ch. 83-231; ss. 10, 22, ch. 84-356; s. 5, ch. 93-286; s. 6, ch. 94-236; s. 6, ch. 2002-294.

163.365 Neighborhood and communitywide plans.

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

- (a) Outlines the community redevelopment activities proposed for the area involved;
- (b) Provides a framework for the preparation of community redevelopment plans; and
- (c) Indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, including the development of affordable housing if needed and appropriate for the area, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History. —s. 8, ch. 69-305; s. 7, ch. 94-236

163.367 Public officials, commissioners, and employees subject to code of ethics.

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. [163.356](#) or s. [163.357](#) are subject to part III of chapter 112, and commissioners also must comply with the ethics training requirements as imposed in s. [112.3142](#).

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any

disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History. —s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147; s. 3, ch. 2019-163.

163.370 Powers; counties and municipalities; community redevelopment agencies.

(1) Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.

(b) To disseminate slum clearance and community redevelopment information.

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.
 6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.
 7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.
 8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
 9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.
 10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
- (d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in

connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition any personal or real property, together with any improvements thereon.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the

county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(o) To develop and implement community policing innovations.

(3) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects if such projects or improvements were scheduled to be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal or such projects or improvements were identified in such schedule or plan to be funded, in whole or in part, with funds on deposit within the community redevelopment trust fund.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(4) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition; demolish and remove any structures on the property; and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

(5) A community redevelopment agency shall procure all commodities and services under the same purchasing processes and requirements that apply to the county or municipality that created the agency.

History. —s. 9, ch. 69-305; s. 7, ch. 77-391; s. 11, ch. 84-356; s. 7, ch. 93-286; s. 8, ch. 94-236; s. 8, ch. 98-314; s. 10, ch. 2006-11; s. 6, ch. 2006-307; s. 9, ch. 2007-5; s. 4, ch. 2019-163.

163.371 Reporting requirements.

(1) By January 1, 2020, each community redevelopment agency shall publish on its website digital maps that depict the geographic boundaries and total acreage of the community redevelopment agency. If any change is made to the boundaries or total acreage, the agency shall post updated map files on its website within 60 days after the date such change takes effect.

(2) Beginning March 31, 2020, and not later than March 31 of each year thereafter, a community redevelopment agency shall file an annual report with the county or municipality that created the agency and publish the report on the agency's website. The report must include the following information:

(a) The most recent complete audit report of the redevelopment trust fund as required in s. 163.387(8). If the audit report for the previous year is not available by March 31, a community redevelopment agency shall publish the audit report on its website within 45 days after completion.

(b) The performance data for each plan authorized, administered, or overseen by the community redevelopment agency as of December 31 of the reporting year, including the:

1. Total number of projects started and completed and the estimated cost for each project.
2. Total expenditures from the redevelopment trust fund.
3. Original assessed real property values within the community redevelopment agency's area of authority as of the day the agency was created.
4. Total assessed real property values of property within the boundaries of the community redevelopment agency as of January 1 of the reporting year.
5. Total amount expended for affordable housing for low-income and middle-income residents.

(c) A summary indicating to what extent, if any, the community redevelopment agency has achieved the goals set out in its community redevelopment plan.

History. —s. 5, ch. 2019-163

163.3755 Termination of community redevelopment agencies.

(1) A community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the agency's charter on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created

the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body.

(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members, a community redevelopment agency with outstanding bonds as of October 1, 2019, that do not mature until after the termination date of the agency or September 30, 2039, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2039, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.

History. —s. 6, ch. 2019-163.

163.3756 Inactive community redevelopment agencies.

(1) The Legislature finds that a number of community redevelopment agencies continue to exist, but do not report any revenues, expenditures, or debt in the annual reports they file with the Department of Financial Services pursuant to s. 218.32.

(2)(a) A community redevelopment agency that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for 6 consecutive fiscal years beginning no earlier than October 1, 2016, must be declared inactive by the Department of Economic Opportunity, which shall notify the agency of the declaration. If the agency does not have board members or an agent, the notice of the declaration of inactive status must be delivered to the county or municipal governing board or commission that created the agency.

(b) The governing board of a community redevelopment agency that is declared inactive under this section may seek to invalidate the declaration by initiating proceedings under s. 189.062(5) within 30 days after the date of the receipt of the notice from the Department of Economic Opportunity.

(3) A community redevelopment agency that is declared inactive under this section may expend funds from the redevelopment trust fund only as necessary to service outstanding bond debt. The agency may not expend other funds in the absence of an ordinance of the local governing body that created the agency which consents to the expenditure of such funds.

(4) The provisions of s. 189.062(2) and (4) do not apply to a community redevelopment agency that has been declared inactive under this section.

(5) The provisions of this section are cumulative to the provisions of s. 189.062. To the extent the provisions of this section conflict with the provisions of s. 189.062, this section prevails.

(6) The Department of Economic Opportunity shall maintain on its website a separate list of community redevelopment agencies declared inactive under this section.

History. —s. 7, ch. 2019-163.

163.380 Disposal of property in community redevelopment area.

The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take

into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons

making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.
2. The expanded area is less than 35 percent of the land area of the original project.
3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed

military base within the governing body's boundaries, the procedures for disposition of real property within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

History. —s. 11, ch. 69-305; s. 9, ch. 77-391; s. 13, ch. 84-356; s. 1, ch. 92-162; s. 906, ch. 95-147; s. 1, ch. 96-254; s. 9, ch. 98-314; s. 12, ch. 2006-11.

163.385 Issuance of revenue bonds.

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. For any agency created before July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted. For any agency created on or after July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 40 years after the end of the fiscal year in which the initial community redevelopment plan is approved or adopted. However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended. However, for any agency created on or after July 1, 2002, any form of indebtedness pledging increment revenues to the repayment thereof shall mature by the 40th year after the fiscal year in which the initial community redevelopment plan is approved or adopted. However, any refunding bonds issued pursuant to this paragraph may not mature later than the final maturity

date of any bonds or other obligations issued pursuant to this paragraph being paid or retired with the proceeds of such refunding bonds.

(b) In anticipation of the sale of revenue bonds pursuant to paragraph (a), the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or community redevelopment agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has

been issued by the county, municipality, or community redevelopment agency in connection with community redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

(6) Subsections (1), (4), and (5), as amended by s. 14, chapter 84-356, Laws of Florida, do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History. —s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400; ss. 14, 22, ch. 84-356; s. 6, ch. 93-286; s. 9, ch. 94-236; s. 15, ch. 95-310; s. 7, ch. 2002-294.

163.387 Redevelopment trust fund.

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and
2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community

redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, the taxing authority may limit the amount of increment contributed by the taxing authority to the redevelopment trust fund to the amount of increment the taxing authority was obligated to contribute to the redevelopment trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term "area reinvestment

agreement” means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in services or public or private projects, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the projects or services, or both, including any applicable debt service. The contribution to the redevelopment trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the projects or services, or both, including any applicable debt service, has been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in sub-subparagraphs 1.a. and b.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan but no later than 60 years after the fiscal year in which the plan was initially approved or adopted. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(b) Any taxing authority that does not pay the increment revenues to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues

equal to 1 percent for each month the increment is outstanding, provided the agency may waive such penalty payments in whole or in part.

(c) The following public bodies or taxing authorities are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. For a community redevelopment agency created on or after July 1, 2016, a hospital district that is a special district as defined in s. 189.012.

(d)1. A local governing body that creates a community redevelopment agency under s. 163.356 may exempt from paragraph (a) a special district that levies ad valorem taxes within that community redevelopment area. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request to be exempted from paragraph (a).

2. In deciding whether to deny or grant a special district's request for exemption from paragraph (a), the local governing body must consider:

a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.

b. The fiscal and operational impact on the community redevelopment agency.

c. The fiscal and operational impact on the special district.

d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.

e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

f. The benefit of the activities of the special district to the approved community redevelopment plan.

g. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

3. The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

4. If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

5. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

- a. A separate, detailed examination of each consideration listed in subparagraph 2.
- b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.

6. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established by such local governing body.

(3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(b) Alternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority. The community redevelopment agency may be an additional party to any such agreement.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the increment revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such increment revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the public body or the state or any political subdivision thereof, or a pledge of the faith and credit of the public body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Effective October 1, 2019, moneys in the redevelopment trust fund may be expended for undertakings of a community redevelopment agency as described in the community redevelopment plan only pursuant to an annual budget adopted by the board of commissioners of the community redevelopment agency and only for the purposes specified in paragraph (c).

(a) Except as otherwise provided in this subsection, a community redevelopment agency shall comply with the requirements of s. 189.016.

(b) A community redevelopment agency created by a municipality shall submit its annual budget to the board of county commissioners for the county in which the agency is located within 10 days after the adoption of such budget and submit amendments of its annual budget to the board of county commissioners within 10 days after the adoption date of the amended budget.

(c) The annual budget of a community redevelopment agency may provide for payment of the following expenses:

1. Administrative and overhead expenses directly or indirectly necessary to implement a community redevelopment plan adopted by the agency.

2. Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

3. The acquisition of real property in the redevelopment area.
4. The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.
5. The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
6. All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.
7. The development of affordable housing within the community redevelopment area.
8. The development of community policing innovations.
9. Expenses that are necessary to exercise the powers granted under s. 163.370, as delegated under s. 163.358.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan. The funds appropriated for such project may not be changed unless the project is amended, redesigned, or delayed, in which case the funds must be reappropriated pursuant to the next annual budget adopted by the board of commissioners of the community redevelopment agency.

(8)(a) Each community redevelopment agency with revenues or a total of expenditures and expenses in excess of \$100,000, as reported on the trust fund financial statements, shall provide for a financial audit each fiscal year by an independent certified public accountant or firm. Each financial audit conducted pursuant to this subsection must be conducted in accordance with rules for audits of local governments adopted by the Auditor General.

(b) The audit report must:

1. Describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness.
2. Include financial statements identifying the assets, liabilities, income, and operating expenses of the community redevelopment agency as of the end of such fiscal year.
3. Include a finding by the auditor as to whether the community redevelopment agency is in compliance with subsections (6) and (7).

(c) The audit report for the community redevelopment agency must accompany the annual financial report submitted by the county or municipality that created the agency to the Department of Financial Services as provided in s. 218.32, regardless of whether the agency reports separately under that section.

(d) The agency shall provide a copy of the audit report to each taxing authority.

History. —s. 11, ch. 77-391; s. 78, ch. 79-400; s. 9, ch. 83-231; s. 15, ch. 84-356; s. 27, ch. 87-224; s. 35, ch. 91-45; s. 4, ch. 93-286; s. 10, ch. 94-236; s. 1, ch. 94-344; s. 10, ch. 98-314; s. 8, ch. 2002-18; s. 8, ch. 2002-294; s. 7, ch. 2006-307; s. 1, ch. 2016-155; s. 8, ch. 2019-163.

163.390 Bonds as legal investments.

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community redevelopment agency vested with community redevelopment powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History. —s. 13, ch. 69-305; s. 12, ch. 77-391; s. 16, ch. 84-356.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution; and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History. —s. 14, ch. 69-305; s. 13, ch. 77-391; s. 17, ch. 84-356.

163.400 Cooperation by public bodies.

(1) For the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the Federal Government, the state, the county, another public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county, a municipality, or another public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with community redevelopment and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any property in a community redevelopment area is held by any public body or governmental agency, other than the county or municipality, but including any agency or instrumentality of the United States, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment and related activities, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" also includes a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community redevelopment and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it determines, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of

general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History. —s. 15, ch. 69-305; s. 14, ch. 77-391; s. 79, ch. 79-400; s. 18, ch. 84-356.

163.405 Title of purchaser.

Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

History. —s. 16, ch. 69-305; s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.

In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part or deny any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation, or such request shall be deemed granted unless this period is extended by mutual consent in writing by the municipality and county. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the

county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

History. —s. 17, ch. 69-305; s. 1, ch. 83-29; s. 9, ch. 2002-294; s. 8, ch. 2006-307.

163.415 Exercise of powers in counties without home rule charters.

The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

History. —s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.

The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Miami-Dade County, or under the provision of the charter of the consolidated City of Jacksonville.

History. —s. 21, ch. 69-305; s. 29, ch. 2008-4.

163.445 Assistance to community redevelopment by state agencies.

State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for community redevelopment as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.

History. —s. 25, ch. 69-305; s. 16, ch. 77-391; s. 19, ch. 84-356.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.

Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing and Urban Development Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.

History. —s. 26, ch. 69-305; s. 19, ch. 85-80.

163.463 Applicability of ch. 2002-294.

(1) Amendments to this part, as provided by this act, do not apply to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community development plan, or amendment or modification thereto, as approved or adopted before July 1, 2002.

(2) Amendments to this part, as provided by this act, shall not apply to any ordinance, resolution, interlocal agreement, or written agreement effective before July 1, 2002, that provides for the delegation of community redevelopment powers.

(3) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any community development agency created before July 1, 2002, unless the community redevelopment area is expanded on or after July 1, 2002, in which case only the amendments to ss. 163.340 and 163.355 by this act shall apply only to such expanded area.

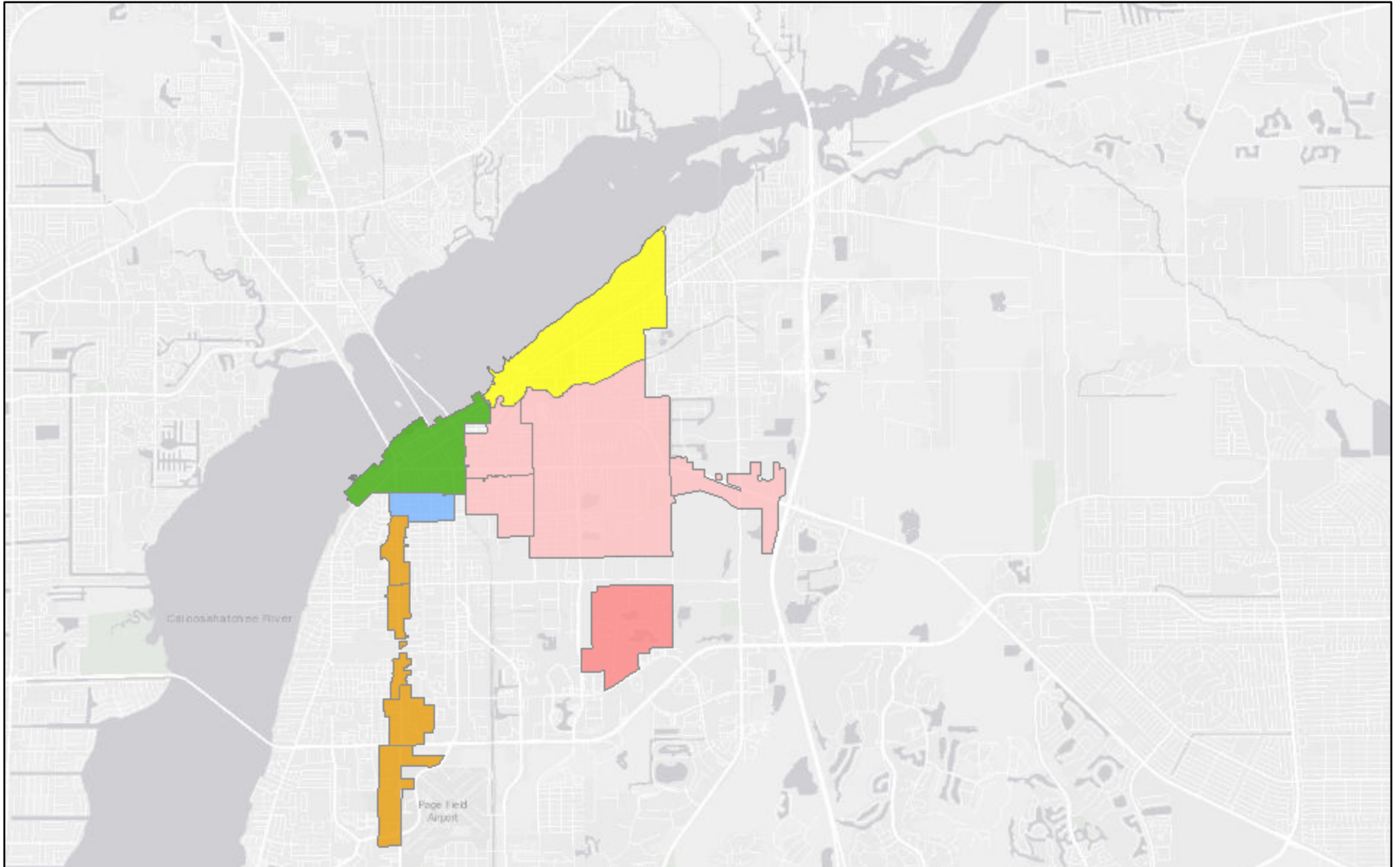
(4) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, or has adopted its finding of necessity on or before August 1, 2002, and has adopted its community redevelopment plan on or before December 31, 2002.

(5) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has submitted before August 1, 2002, its finding of necessity, or application for approval of a community redevelopment plan, or an application to amend an existing community redevelopment plan to a county that has adopted a home rule charter.

(6) The amendments to ss. 163.355, 163.362, 163.385, and 163.387 by this act do not apply to or affect, directly or indirectly, any county as defined in s. 125.011(1) or any municipality located therein.

History. —s. 10, ch. 2002-294.

Development Assistance Web GIS Tool - City of Fort Myers



1/21/2022

Redevelopment Districts (FMCRA)

Central Fort Myers

Cleveland

Downtown

East Fort Myers

MLK

Westwood

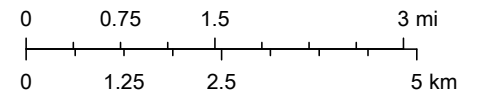
Code Areas

Outside City

City Wards

City Parcel Data

1:108,185



University of South Florida, County of Lee, FL, Esri, HERE, Garmin,

FORT MYERS REDEVELOPMENT DISTRICTS (as of 11/2021)

District	Date Established	Date Extended	Additional Information	Ordinance and Resolution Number	Sunset
Central Fort Myers	September 4, 1990	August 3, 2020	Base Year Value: \$22,542,840	Ordinance 2564 created the redevelopment area; Resolution 90-45 adopted the original redevelopment plan; Resolution 91-51 amended boundary to include stadium; Resolution 97-69 amended plan to provide for an athletic complex; Resolution 99-68 amended boundary to exclude (Coca-Cola); Resolution 2020-13 extended the plan	September 2050
Cleveland I	April 20, 1998	December 6, 2010	Cleveland redevelopment areas (II-IV) were combined into one area with ordinance 3453, Base Year Value includes areas II-IV: \$262,018,560	Ordinance 2842 created the Cleveland sub area 1; Ordinance 2843 created the Cleveland sub area 2; Ordinance 2844 created the Cleveland sub area 3; Ordinance 2845 created the Cleveland sub area 4; Ordinance 3453 combined all sub areas; Resolution 2010-39 extended the plan	April 2040
Downtown	September 17, 1984 *November 16, 1987	September 4, 2018	Base Year Value: \$113,969,750 On November 16, 1987, the City Council created the Community Redevelopment Agency with the City Council serving as the governing board.	Ordinance 2249 created the CRA; Ordinance 2426 created the redevelopment area; Resolution 2003-20 amended the plan to include the Duany Plan; Resolution 2010-10 adopted the amended plan; Resolution 2018-40 amended the plan to include the Gardner's Park Vision Plan and extended the plan	November 2044
Dr. Martin Luther King, Jr. Blvd	April 3, 2000	September 4, 2018	Dr. MLK, Jr. blvd. redevelopment areas (II-IV) combined into one area with ordinance 3454, Base Year Value includes areas II-IV: \$19,207,850	Ordinance 2946 created the MLK 1 area; Ordinance 2947 created the MLK 2 area; Ordinance 2948 created the MLK 3 area; Ordinance 2949 created the MLK 4 area; Ordinance 3454 combined all the areas into 1; Ordinance 3392 created the MLK, VSSB plan; Ordinance 3727 created an overlay district; Resolution 2000-17 adopted the plan for sub area 1; Resolution 2006-58 amends the plan to become the MLK VSS Plan; Resolution 2007-29 Dunbar amendment to MLK; Resolution 2018-46 amended boundary and extended the plan date	January 2044
East Fort Myers	May 21, 2007	N/A	Base Year Value: 336,452,290	Ordinance 3401 created the E. Fort Myers redevelopment area; Resolution 2007-30 adopts E. Fort Myers plan;	May 2037
Westwood	November 5, 1990	N/A	N/A	Ordinance 2580 established the Westwood redevelopment area Ordinance 2840 amends boundary	Will be dissolved once the obligations of the development agreement have been fulfilled

Ordinances and Resolutions



FEBRUARY 2022

**Community Redevelopment Agency
Fort Myers, FL**



CRA Creation

Ordinance 2249 created the CRA (DT)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, CREATING A COMMUNITY REDEVELOPMENT AGENCY; AMENDING CHAPTER 2, BY ADDING ARTICLE VI ENTITLED FORT MYERS DOWNTOWN REDEVELOPMENT AGENCY; CONFERRING THE POWERS OF THE COMMUNITY REDEVELOPMENT UPON THE CITY COUNCIL, PROVIDING FOR A NAME AND PURPOSE, ESTABLISHING A REDEVELOPMENT TRUST FUND, PROVIDING FOR LIMITATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2003-1 authorizes the use of tax increment financing and other incentives to encourage new residential development within the redevelopment district

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, FLORIDA AUTHORIZING THE USE OF TAX INCREMENT REBATES AND OTHER INCENTIVES TO ENCOURAGE NEW RESIDENTIAL DEVELOPMENT WITHIN THE REDEVELOPMENT DISTRICT.

ORDINANCE NO. 2249

AN ORDINANCE

To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, CREATING A COMMUNITY REDEVELOPMENT AGENCY; AMENDING CHAPTER 2, BY ADDING ARTICLE VI ENTITLED FORT MYERS DOWNTOWN REDEVELOPMENT AGENCY; CONFERRING THE POWERS OF THE COMMUNITY REDEVELOPMENT AGENCY UPON THE CITY COUNCIL, PROVIDING FOR A NAME AND PURPOSE, ESTABLISHING A REDEVELOPMENT TRUST FUND, PROVIDING FOR LIMITATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. Based upon the findings and declarations in Resolution No. 84-22, the City Council does hereby create and establish a Community Redevelopment Agency of the City of Fort Myers with the responsibility and duty to carry out the redevelopment of the area located within the City found and declared in Resolution No. 84-22 to be a blighted area.

SECTION 2. Pursuant to the authority in Chapter 163.357, Florida Statutes, the City Council hereby declares itself to be the Community Redevelopment Agency established in Section 1 hereof and all of the rights, powers, privileges, duties and immunities of a community redevelopment agency vested in such an agency by Part III, Chapter 163, Florida Statutes are hereby vested in the City Council.

SECTION 3. The agency shall exercise its powers and perform its duties in accordance with the provisions of Part III, Chapter 163, Florida Statutes, and Chapter 2, Article VI of the Code of Ordinances.

SECTION 4. The Code of Ordinances of the City of Fort Myers is hereby amended by adding Chapter 2, Article VI, as follows:

Section 2-52. (Reserved)

Section 2-53. Name and Purpose.

The Community Redevelopment Agency created and established by Ordinance No. 2249 shall be known as the Fort Myers Downtown Redevelopment Agency, which

purpose shall be to function in the area, as more fully described in Appendix "A", attached hereto and made a part hereof, to provide for the redevelopment, conservation, rehabilitation or combination thereof of such area of downtown Fort Myers.

Section 2-54. Redevelopment Trust Fund.

(a) There is hereby established in accordance with the provisions of Chapter 163.387, Florida Statutes, a redevelopment trust fund, hereinafter referred to as "Fund". The Director of Finance is hereby authorized and directed to maintain and administer the fund in accordance with applicable laws, ordinances, resolutions and directives of the Agency. The monies allocated to and deposited into the Fund are hereby appropriated to and may only be used by the Downtown Redevelopment Agency.

(b) There shall be annually paid into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

- (1) The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of the community redevelopment project; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in the community redevelopment area as shown

upon the most recent assessment roll used in connection with the taxation of such property prior to the effective date of this ordinance.

(c) The Agency shall annually receive and deposit into the Fund an amount from each taxing authority equal to the investment as calculated in accordance with 163.387(1), Florida Statutes, and this ordinance. For the purposes of this ordinance, "taxing authority" shall have the same meaning as that in 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation to annually appropriate to the fund shall commence immediately upon the effective date of this ordinance and shall continue until all loans, advances and indebtedness, if any, and any interest thereon incurred by the Downtown Redevelopment Agency have been paid.

Section 2-55. Limitations.

The Fort Myers Downtown Redevelopment Agency shall be the sole community redevelopment agency authorized to operate within the downtown area (Appendix "A"). The area of operation, jurisdiction and undertakings of the Agency shall not conflict with those of any other community redevelopment agencies, presently existing or which may be established, except as described above.

SECTION 5. Section 2 of this ordinance shall automatically expire on October 25, 1984.

SECTION 6. This ordinance shall become effective immediately upon its adoption.

Ordinance No. 2249

PASSED in Public Session of the City Council of the City of Fort
Myers, Florida, this 17 day of Sept, A.D., 1984.

Joan Pigott Porter
Joan Pigott Porter

Veronica S. Shoemaker

Lawrence J. Jones
Lawrence J. Jones

Wilbur C. Smith, III

James T. Williams
James T. Williams
Council Members

APPROVED this 17 day of Sept, A.D., 1984,
at 11:00 o'clock p.m.

Ellis Solomon
Ellis Solomon, Mayor

FILED in the Office of the City Clerk this 17 day of

Sept, A.D., 1984.

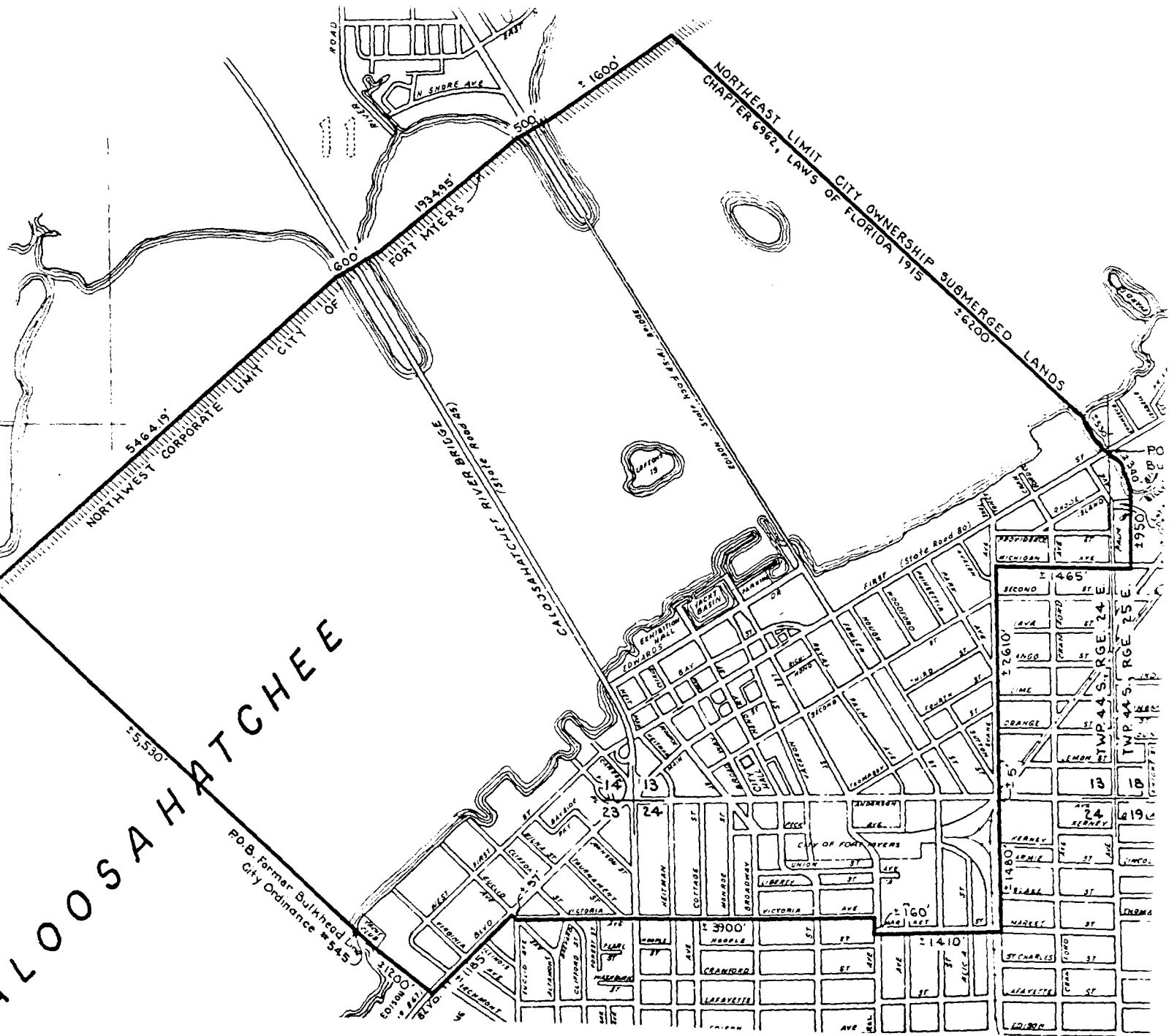
M.W. Matz
M.W. Matz, City Clerk

APPENDIX "A"

CENTRAL BUSINESS DISTRICT
PART OF SECTIONS 13, 14, 23 and 24
TOWNSHIP 44 SOUTH, RANGE 24 EAST AND
PART OF SECTION 18, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS
FORT MYERS, LEE COUNTY, FLORIDA

Beginning at the intersection of the centerline of the thread of Billy's Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida run southeasterly and southerly along said centerline of said Creek for 340 feet more or less to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, Page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet more or less to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet more or less to an intersection with the east line of Evans Avenue; thence run southerly along said easterly line for 2,610 feet more or less to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plat Book 2, Page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet more or less to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, Page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet more or less to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet more or less to an intersection with the south line of Victoria Avenue; thence run westerly along said southerly line and a westerly prolongation thereof for 3,900 feet more or less to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwesterly line of Altamont Avenue for 57 feet more or less to an intersection with the southeasterly line of McGregor Boulevard; thence run southwesterly along said southeasterly line for 1,185 feet more or less to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet more or less to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5,530 feet more or less to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northeasterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Road No. 45; thence run northeasterly along said Limit, perpendicular to and passing through a point on said centerline at 300 feet, for 600.00 feet; thence run northeasterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northeasterly along said Limit (perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet more or less to an intersection with the northeast limit of City ownership of submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet more or less to said centerline of Billy's Creek; thence run southeasterly along said centerline for 530 feet more or less to the Point of Beginning.

Central Business District



RESOLUTION NO. CRA-2003-1

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, FLORIDA AUTHORIZING THE USE OF TAX INCREMENT REBATES AND OTHER INCENTIVES TO ENCOURAGE NEW RESIDENTIAL DEVELOPMENT WITHIN THE REDEVELOPMENT DISTRICT

WHEREAS: The Community Redevelopment Agency of the City of Fort Myers, Florida, (Agency) a body politic and corporate of the State of Florida created pursuant to Part III, Chapter 163, Florida Statutes was established on September 4, 1986 by the City Council of The City of Fort Myers, Florida; and

WHEREAS: The Agency adopted a Downtown Master Plan in 1986 (1986 Plan) that encouraged the development of additional housing units within the Downtown Redevelopment District (District); and

WHEREAS: The Agency is in the process of adopting an updated Downtown Plan and Regulating Plan (2002 Plan) for the District that supports the need for additional housing units and residential development within the District; and

WHEREAS: The Agency has set a goal of adding approximately 1,200 housing units within the District to enhance the quality of life and economic viability of the District by providing a variety of housing options including affordable to luxury residences; and

WHEREAS: The Agency does hereby find that there has not been an adequate amount of new residential development within the Redevelopment District as was encouraged in the 1986 Plan and as supported in the 2002 Plan; and

WHEREAS: The Agency wishes to further the goal of adding an additional 1,200 housing units within the District by permitting the use of tax increment rebates and other incentive programs to encourage such development.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, FLORIDA, that:

1. In order to further the goal of adding an additional 1,200 housing units within the District the Agency is authorized to issue tax increment rebates and other development incentives to encourage such new development to happen.

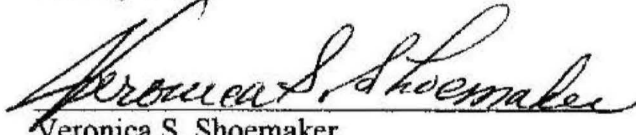
RESOLUTION NO. CRA 2003-1

2. Housing Developments will be evaluated on a case-by-case basis in order to determine the need for and amount of incentives, if any, required by the development.

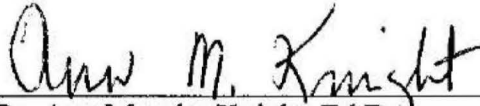
PASSED IN PUBLIC SESSION of the Community Redevelopment Agency of The City of Fort Myers, Florida, this 22nd day of January, 2003, A.D.



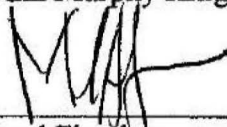
Tammy Hall



Veronica S. Shoemaker



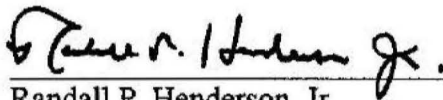
Dr. Ann Murphy Knight, Ed.D.



Michael Flanders

BOARD OF COMMISSIONERS

APPROVED this 22 day of January, 2003 A.D. at _____ o'clock a.m.



Randall P. Henderson, Jr.
Chairman

Central Fort Myers (CFM):

Ordinance 2564 created the Central Fort Myers redevelopment area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE BY REVISING CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2020-13 extended the CFM plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE FORT MYERS COMMUNITY REDEVELOPMENT AGENCY'S CENTRAL FORT MYERS AREA; REAFFIRMING THE FINDING OF THE EXISTENCE OF SLUM AND/OR BLIGHT WITHIN THE CENTRAL FORT MYERS AREA; AMENDING THE CENTRAL FORT MYERS REDEVELOPMENT PLAN TO EXTEND THE LIFE OF THE CENTRAL FORT MYERS AREA AND THE TIME CERTAIN FOR COMPLETION OF ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES IN THE CENTRAL FORT MYERS AREA TO SEPTEMBER 4, 2050; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 99-68 amended the boundary of the CFM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, AS PREVIOUSLY AMENDED, TO MODIFY THE LEGAL DESCRIPTION OF THE CENTRAL FORT MYERS AREA AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 97-69 amended the CFM plan to provide for an athletic complex

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, AS PREVIOUSLY AMENDED, TO INCLUDE AND ATHLETIC COMPLEX AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 91-51 amended the boundary of the CFM to include the stadium

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, TO INCLUDE A BASEBALL STADIUM SITE AND DELETING THE ARTS CENTER AND PARK.

Resolution 90-45 adopted the original Central Fort Myers redevelopment plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE CENTRAL FORT MYERS AREA STUDY DATED AUGUST 1990.

ORDINANCE NO. 2564

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE BY REVISING CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR A NEW REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. Chapter 2, Article VI, Subsection 2-53(c) of the Code of Ordinances of the City is hereby amended by deleting the term "three" from the introductory paragraph describing the number of areas.

SECTION 2. Chapter 2, Article VI, Section 2-53 of the Code of Ordinances of the City is hereby amended by creating a new subsection 2-53(c)(4) as hereinafter set out:

ORDINANCE NO. 2564

(4) Area 4

The following described area is located in Sections 13 and 24, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, being more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 4, of Robert Jeffcott's Addition, a subdivision recorded in Plat Book 3, Page 87 of the Public Records of Lee County, Florida, said corner being the Point of Intersection of the west right-of-way line of Fowler Street (50 foot right-of-way) and the south right-of-way line of Market Street (50 foot right-of-way); thence westerly along said south right-of-way line of Market Street for a distance of 693.6 feet, more or less, to the west right-of-way line of Central Avenue (50 foot right-of-way); thence northerly along said west right-of-way line for a distance of 160 feet, more or less, to the northeast corner of Lot 1, Block 8, of Stadlers Central Heights, a subdivision recorded in Plat Book 4, Page 64, of the Public Records of Lee County, Florida, also being a point on the south right-of-way line of Victoria Avenue (50 foot right-of-way); thence westerly along said right-of-way line of said Victoria Avenue for a distance of 2,858 feet, more or less, to the northeast corner of Block F of Altamont Park, a subdivision recorded in Plat Book 5, Page 12, of the Public Records of Lee County, Florida, being a point on the west right-of-way line of Forest Street and the northerly prolongation thereof; thence southerly along said line for a distance of 891.6 feet, more or less, to the southeast corner of said Block F of Altamont Park; thence continuing southerly along the prolongation of said line for a distance of 50 feet, more or less, to the northeast corner of Block E of Altamont Park; thence continuing southerly along the east line of said Block E of Altamont Park for a distance of 321 feet, more or less, to the southeast corner of said Block E of Altamont Park; thence continuing southerly along the prolongation of said east line of said Block E for a distance of 65 feet, more or less, to the south right-of-way line of Edison Avenue; thence easterly along said right-of-way line for a distance of 368 feet, more or less, to the prolongation of the westerly right-of-way line of Cleveland Avenue; thence southerly along said right-of-way line for a distance of 225 feet, more or less, to the westerly prolongation of the north line of the South Half (S 1/2) of Lot 17, Block C, being the prolongation of the south line of the property owned by the Coca-Cola Company of Fort Myers, Florida, being Lots 9 thru 16 and the North Half (N 1/2) of Lot 17, and the North Half (N 1/2) of Lot 8, Block C and Lots 13

ORDINANCE NO. 2564

thru 16 and the North Half (N 1/2) Lot 17, Block B of Phillips 4th Division, a subdivision recorded in Plat Book 4, Page 41, of the Public Records of Lee County, Florida; thence easterly along said prolonged line and along the south line of said property owned by the Coca-Cola Company of Fort Myers for a distance of 555 feet, more or less, to the west line of the lands described in Official Record Book 1263, Page 379, being the west line of Lot 8, Block B of said Phillips 4th Division; thence southerly along said line for a distance of 50 feet, more or less, to the southwest corner of the lands described in Official Records Book 1263, Page 379, of said Public Records; thence easterly along the south line of said property described in said Official Records Book 1263, Page 379, for a distance of 142 feet, more or less, to the southeast corner of said land described in said Official Records Book 1263, Page 379 being a point on the west right-of-way line of Grand Avenue (60 foot right-of-way); thence southerly along said right-of-way line for a distance of 50 feet, more or less, to the westerly prolongation of the south right-of-way line of Willard Street (50 foot right-of-way); thence easterly along the westerly prolongation of the south right-of-way line of Willard Street (50 foot right-of-way) and along said south right-of-way line of said Willard Street for a distance of 3,380 feet, more or less, to the east right-of-way line of Fowler Street (50 foot right-of-way); thence northerly along said right-of-way line for a distance of 1,117 feet, more or less, to the northeast corner of Lot 1, Block 4, as recorded in Robert Jeffcotts Addition, a subdivision recorded in Plat Book 3, Page 87 of the Public Records of Lee County, Florida, and being a point on the south right-of-way line of the aforementioned Market Street (50 foot right-of-way) and the Point of Beginning.

SECTION 3. Chapter 2, Article VI, of the Code of Ordinances is hereby amended by creating Section 2-55.5, Redevelopment Trust Funds for Area 4, as hereinafter set out:

Section 2-55.5 Redevelopment Trust Fund for Area 4.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 4, also known as Central Fort Myers, which fund is hereinafter referred to as the Central Fort Myers Trust Fund. The Director of Finance of the City is hereby appointed and designated to administer the Central Fort Myers Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Central Fort Myers Trust

ORDINANCE NO. 2564

Fund in accordance with applicable laws, ordinances, resolutions and directives of the Agency. The monies allocated to and deposited into the Central Fort Myers Trust Fund are hereby appropriated to and may only be used by the Agency to pay the costs of and to finance the undertakings of the Agency to carry out redevelopment within Area 4.

(b) There shall be annually paid into the Central Fort Myers Trust Fund, an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (1) The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 4; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 4 as shown upon the most recent interim assessment roll of taxable real property in Area 4, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to August 6, 1990.

(c) The Agency shall annually receive and deposit into the Central Fort Myers Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purposes of this article "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Central Fort Myers Trust Fund shall commence as of August 6, 1990 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 4, if any, and any interest thereon incurred by the Agency have been paid.

(e) The Funding of the Central Fort Myers Trust Fund shall continue for the duration

ORDINANCE NO. 2564

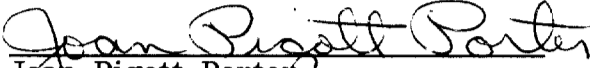
of the Central Fort Myers Area Study, the
community redevelopment plan for Area 4.

SECTION 4. Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2564

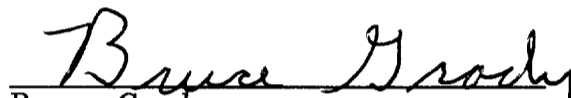
PASSED IN PUBLIC SESSION of the City Council of the City
of Fort Myers, Florida, this 4th day of September, A.D., 1990.


Joan Pigott Porter

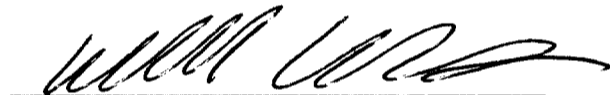
Veronica S. Shoemaker


Ann M. Knight


Richard G. Bashaw


Bruce Grady
Council Members

APPROVED this 4th day of September, A.D., 1990 at
7:03 o'clock p.m.


Wilbur C. Smith, III, Mayor

FILED in the Office of the City Clerk this 4th day of
September, 1990.


Marie Adams, City Clerk

RESOLUTION NO. 2020-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE FORT MYERS COMMUNITY REDEVELOPMENT AGENCY'S CENTRAL FORT MYERS AREA; REAFFIRMING THE FINDING OF THE EXISTENCE OF SLUM AND/OR BLIGHT WITHIN THE CENTRAL FORT MYERS AREA; AMENDING THE CENTRAL FORT MYERS AREA REDEVELOPMENT PLAN TO EXTEND THE LIFE OF THE CENTRAL FORT MYERS AREA AND THE TIME CERTAIN FOR COMPLETION OF ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES IN THE CENTRAL FORT MYERS AREA TO SEPTEMBER 4, 2050; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency (hereinafter the "Agency") to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: By Ordinance No. 2564 passed on September 4, 1990, City Council created the Central Fort Myers Area (hereinafter the "Area"); and

WHEREAS: By Resolution No. 90-45 passed on September 4, 1990, the City Council adopted the Central Fort Myers Area Study a/k/a the Central Fort Myers Redevelopment Plan (hereinafter the "Plan") to guide the redevelopment of the Area; and

WHEREAS: By Resolution No. 91-51 passed on August 5, 1991, the City Council amended the Plan to include a specific reference to the City of Palms Park; and

WHEREAS: By Resolution No. 97-69 passed on November 17, 1997, the City Council amended the Plan to expand on the theme of the City of Palms Park; and

WHEREAS: By Resolution No. 99-68 passed on December 6, 1999, the City Council amended the Plan to change the legal description of the Area to exclude the Coca Cola building and other parcels near Cleveland Avenue; and

RESOLUTION NO. 2020-13

WHEREAS: The Area has not generated tax-increment revenue to implement the Plan; and

WHEREAS: The Agency desires redevelopment within the Area; and

WHEREAS: The Area will sunset on September 4, 2020 if the Plan is not amended and the sunset date extended from September 4, 2020 to September 4, 2050; and

WHEREAS: Stantec Consulting Services, Inc. prepared the "Central Fort Myers Area Finding of Necessity" dated July 6, 2020 confirming the Area continues to meet the conditions of a slum and/or blighted area as described in Sections 163.340(7) and (8), Florida Statutes, as well as recommending the extension of the Area's sunset date; and

WHEREAS: Pursuant to Section 163.387(2)(a), Florida Statutes, the Plan may be amended by City Council to extend the term of the Area for a second thirty (30) year term for a maximum of sixty (60) years after the fiscal year in which the Plan was initially adopted; and

WHEREAS: The Agency and City Council desire to extend the term of the Area for its maximum life to allow for projects in the Area to be funded and completed; and

WHEREAS: The Agency is responsible for developing and implementing the Plan that addresses the unique needs of the Area, including, but not limited to, the overall goals for redevelopment in the Areas, as well as identifying the types of projects for the Area; and

WHEREAS: On June 24, 2020, the Agency, at a duly-noticed public meeting, and in accordance with Section 163.361(1), Florida Statutes, made a recommendation based upon a unanimously passed motion that it was necessary or desirable to amend the Plan to extend the life of the Area and the time certain for completion of all redevelopment financed by increment revenues in the Area to September 4, 2050; and

RESOLUTION NO. 2020-13

WHEREAS: On July 13, 2020, pursuant to Sections 163.346 and 163.361(3)(a), Florida Statutes, a notification and report, respectively, was sent via registered mail to the taxing authorities that levy ad valorem tax on real property located in the Area advising each of the proposed amendment to the Plan to extend the life of the Area and the time certain for completion of all redevelopment financed by increment revenues in the Area to September 4, 2050 and a public hearing on same on August 3, 2020; and

WHEREAS: The City Council reviewed the Central Fort Myers Area Finding of Necessity dated July 6, 2020 on July 20, 2020 and August 3, 2020, after proper public notice was given in the *Fort Myers News-Press*; and

WHEREAS: The City Council finds it is appropriate to address the current needs and goals of the Agency within the Area to amend the Plan to extend the life of the Area and the time certain for completion of all redevelopment financed by increment revenues in the Area to September 4, 2050; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. **Incorporation.** The above matters are incorporated herein.
2. **Approval of Finding of Necessity.** Stantec Consulting Services, Inc.'s Central Fort Myers Area Finding of Necessity dated July 6, 2020, a copy of which is attached hereto as Exhibit "A," is hereby approved and adopted.

RESOLUTION NO. 2020-13

3. **Reaffirmation of Slum or Blight.** Based on Stantec Consulting Services, Inc.'s Central Fort Myers Area Finding of Necessity dated July 6, 2020, and in accordance with Section 163.355, Florida Statutes, the City Council does hereby find the following:

- a. One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in the Central Fort Myers Area.
- b. The rehabilitation, conservation, or redevelopment, or a combination thereof, of such Area, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of the Area.

4. **Approval of Plan Amendment.** The Plan, originally adopted September 4, 1990 and amended August 5, 1991, October 20, 1997 and December 6, 1999, is hereby amended to extend the life of the Area and the City Council hereby finds that it is in the best interest of the City of Fort Myers to maintain the time certain set forth for completing all redevelopment financed by increment revenues within the boundaries of the Central Fort Myers Area as originally established and as further expanded by amendment. Said date shall be September 4, 2050.

5. **Severability.** If any section, subsection, sentence, clause, phrase, word or portion of the resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

RESOLUTION NO. 2020-13

6. **Effective Date.** This resolution shall become effective immediately upon adoption.

RESOLUTION 2020-13

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, on August 3, 2020.

Aye Teresa Watkins Brown
Teresa Watkins Brown

Aye Johnny W. Streets, Jr.
Johnny W. Streets, Jr.

Aye Terolyn P. Watson
Terolyn P. Watson

Aye Kevin Anderson
Kevin Anderson

Aye Fred Burson
Fred Burson

Aye Gale H. Anthony
Gale H. Anthony
Council Members

APPROVED on August 3, 2020.

Aye Randall P. Henderson, Jr.
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk on August 3, 2020.



Gwen Carlisle
Gwen Carlisle, MMC
City Clerk

Exhibit "A"

Central Fort Myers Area Finding of Necessity



Prepared for:
City of Fort Myers Community
Redevelopment Agency

Prepared by:
Stantec
3800 Colonial Boulevard, Suite 100
Fort Myers, FL 33966-1075

July 6, 2020

Acknowledgments

CRA Advisory Board

Dr. Gerald Loboda, Chair

Kirk Beck

Jarrett Eady

Bruce T. Grady

Jami McCormick

Geraldine Ware

CRA Commissioners

Fred Burson, Chair

Kevin Anderson, Vice-Chair

Gaile Anthony

Teresa Watkins Brown

Randall P. Henderson, Jr., Mayor

Johnny W. Streets, Jr.

Terolyn Watson

CRA Staff

Michele Hylton-Terry, Executive Director

Antoine Williams, Assistant Director

Cheryl V. Thornton, Fiscal Manager

Natalie S. Dunham, Marketing & Promotions Manager

Sheryl Rea, Sr. Administrative Assistant

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Introduction & Framework

Introduction

A municipality or county may designate an area as a Community Redevelopment Area ("CRA") if it is determined that factors of slum and/or blight, as defined by Chapter 163, Part III, Florida Statutes ("Act"), are found to exist. The specific goals and objectives related to the CRA designation vary from community to community; but, in general, the designation serves as a mechanism to stimulate housing, economic, and community development or redevelopment.

Prior to exercising the powers conferred by the Act, a county or municipality must make a finding of necessity, determined by way of resolution, that conditions of slum and/or blight, as defined in the Act, exist in an area. Therefore, the purpose of this report is to provide data sufficient to substantiate whether conditions of slum and/or blight exist in the Central Fort Myers Area.

This report is presented in several steps. First, a summary of the findings of this report is presented. Second, key statutory definitions related to the designation of an area as a CRA are provided. Next, the general background and characteristics of the area are discussed. Finally, the conclusion regarding the existence of conditions of slum and/or blight are presented. Throughout this report, there are maps, tables and photographs documenting current conditions that exist within the area.

Summary of Findings

This study confirms that blight conditions are still present within the existing Central Fort Myers Redevelopment Area.

Included in this study is a brief background of the initial establishment of the Area, CRA/City action taken since, and general economic and site conditions throughout.

The following outlines several of the key findings during preparation of this report:

- Average household income within the Central Fort Myers area (\$31,930) is less than half that of the remainder of the City (\$69,270).
- Per capita income within the Central Fort Myers area (\$11,689) is roughly 60% lower than the remainder of the City (\$28,228).
- The wealth index in the Central Fort Myers area (24) is less than 1/3rd the remainder of the City (83).
- Only 16% of the housing units in the Central Fort Myers area are owner occupied.
- Nearly 60% of the total land value in the Central Fort Myers area is non-taxable.
- Approximately 40% of land area in the Central Fort Myers area is owned by government, faith-based, or social service organizations.
- Relatively significant increases in property values and little to no apparent investment in recent years supports that there is substantial speculation in the Area in anticipation of the future Midtown Redevelopment.
- Current ownership patterns of large areas of land owned by non-taxable entities and small single family lots will further restrict the future redevelopment activities without intervention.

Topic	Source	Topic	Source
Demographics	U.S. Census Data	Economics	U.S. Census Data
Future Land Uses	City of Fort Myers GIS	Zoning	City of Fort Myers GIS
Structures	On-site Study	Roadways/Sidewalks	On-site Study
Property Values	Lee County Property Appraiser	-	-

Definitions

The Act defines a **"Slum Area"** as:

"An area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

(c) The existence of conditions that endanger life or property by fire or other causes."

The Act defines a **"Blighted Area"** as:

"An area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(d) Unsanitary or unsafe conditions;

(e) Deterioration of site or other improvements;

(f) Inadequate and outdated building density patterns;

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;

(h) Tax or special assessment delinquency exceeding the fair value of the land;

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;

(j) Incidence of crime in the area higher than in the remainder of the county or municipality;

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity."

The Act defines **"Community Redevelopment"** or **"Redevelopment"** as:

"Undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating

and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan."

The Act defines "**Community Redevelopment Area**" as:

"A slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment."

A Community Redevelopment Area is established to enable an agency to specifically implement redevelopment activities identified to both prevent and eliminate conditions of slum and blight present within a defined area.

The Act defines a "**Community Redevelopment Plan**" as:

"A plan, as it exists from time to time, for a community redevelopment area."

Background & Purpose

Existing Community Redevelopment Area

In 1990, a total of +/- 134 acres within the City of Fort Myers were designated as the Central Fort Myers Community Redevelopment Area (Area) by City Resolution pursuant to a finding of slum and blight. This area comprises less than 2% of the entire land area in the City of Fort Myers, and without an extension to the redevelopment plan it will sunset in September 2020.

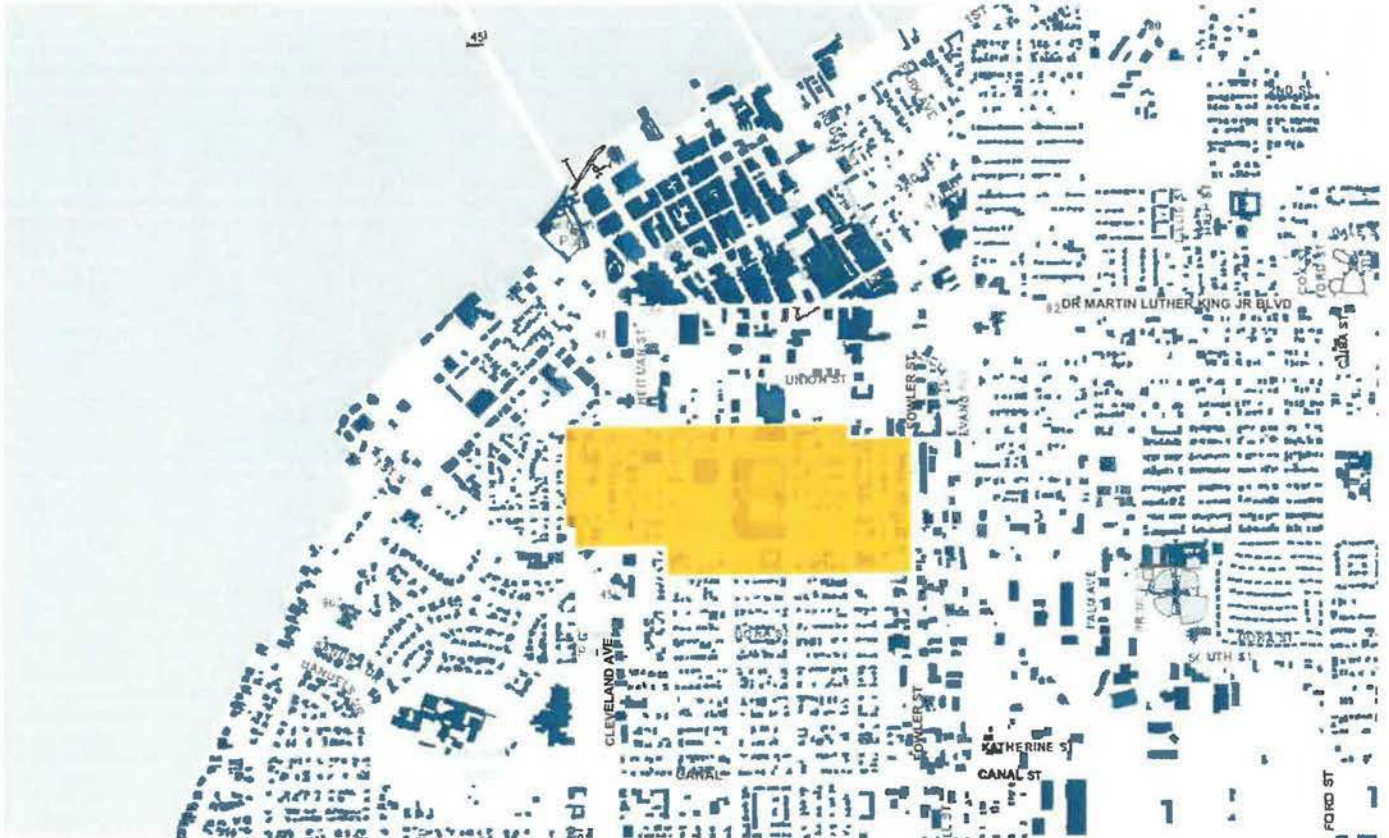
Comprising what was the northern portion of the Central Fort Myers Neighborhood Stabilization Area, the redevelopment area was created to eliminate an increasing amount of blight, and to assist in the assemblage of land to develop a Cultural Arts Area.

Located immediately south of the downtown area, and designed with traditional grid system blocks, the redevelopment area had long been viewed as an extension of downtown. Recently, there has been

significant opportunity for reinvestment to support the growing needs of downtown, and to spur further reinvestment in the remainder of the former the Central Fort Myers Stabilization Area.

Since establishing the Area, the former Red Socks spring training stadium (City of Palms Park) and its surrounding grass parking lots; the Skatium - an indoor ice skating rink, gymnasium, and fitness; and the State of Florida Regional Service Center parking garage have been developed.

While there has been significant public investment in this area in an effort to develop a Cultural Arts area, they have not proven successful. In 2011 Lee County formalized an agreement for the Red Socks to move from the City of Palms Park to a new County owned stadium in unincorporated Lee County east of I-75. Since completion of the new stadium in 2012



Central Fort Myers Context Area

Central Fort Myers Area Finding of Necessity

the City of Palms Park has been largely underutilized and is intended to be demolished at a future time. The Skatium, while a tremendous asset for its users has been unable to spur additional investment within the area.

Additionally, the acquisition of land by the City for future redevelopment of these sites subsequently removed a substantial portion of taxable property value from the Area. Furthermore, a significant amount of property within this Area is owned by other non-taxable entities including Lee County, the State of Florida, and various faith-based and social service organizations. This has had a crushing effect on the area and it took more than a decade after creation for taxable values to rise above the initial base year. With limited private investment since properties values have continued to ebb and flow with most years falling below the initial base year, therefore not generating any tax increment revenue and prohibiting any CRA funded projects.

The ongoing success of the Downtown Redevelopment Area, and the City's' recent efforts to adopt the Midtown Plan - a vision plan for the Central Fort Myers area have also led to significant real estate speculation in the Central Fort Myers Area and the neighborhood to the south, which includes what had been the southern portion of the Central Fort Myers Stabilization Area. Property values have increased significantly however there has been limited apparent investment in the actual Area to accommodate such speculation.

After several years of not generating any tax increment revenue, property values within the Area have risen again above their initial base year and will start generating revenue. This is anticipated to increase in upcoming years which will enable the CRA to advance redevelopment efforts and formalize partnerships with the City in various infrastructure projects similar to those done downtown.

In 2017 the CRA hired Stantec to conduct an analysis of each of the eight redevelopment areas and adjacent communities to determine, among other things, the current need for redevelopment and recommendations to further redevelopment efforts within the City.

It was concluded in that study that the Area demonstrated substantial need for continued redevelopment efforts, and provided recommendations to support this.

Specific recommendations included:

- 1. Sunset the existing Central Fort Myers Redevelopment Area;*
- 2. Expand the Downtown Redevelopment Area to include the Central Area; and,*
- 3. Expand the Area south to Canal Street and east to Fowler Street.*

These recommendations and the entirety of the 2017 study were accepted by the CRA Commission and Advisory Board. Since then, the CRA staff have completed various recommendations however, those above have not advanced to date.

Like all communities, the CRA must remain sensitive to the City and County in significant redevelopment area modifications. Recognizing this and the pending sunset date for the Area, the best course of action for the CRA is to extend the sunset date of the Area. With this, a plan update will be completed and as the Area is now expected to generate tax increment revenue they will be able to begin implementing the plan.

Land Uses & Structures

Area Description

The Central Fort Myers Area historically dates back to the early 1900's as a primarily residential extension of downtown with some limited commercial uses. Over the years it has evolved alongside the continued growth of the City as a whole. This evolution includes the development of Cleveland Avenue and Fowler Streets as primary corridors within the city, the eventual redevelopment of single family lots into low-rise multi family buildings, and the formation of civic, faith-based and social service organizations.

The Area is generally bounded on the north by Victoria Avenue, on the east by Fowler Street, on the south by Willard Street, and to the west by properties fronting the western side of Cleveland Avenue encompassing approximately 132 acres.

The most significant change within the Area over the last few decades is from the government acquisition of properties and subsequent assemblage for development. This includes the City of Palms Park (former Boston Red Socks Spring Training stadium), the Skatium (ice-skating, gymnasium and fitness facility), and the State of Florida Regional Service Center parking garage.

The City has recently completed the Midtown Plan which includes the Area and is envisioned to be an intensive mixed-use area to compliment the existing downtown.

In 2011, Lee County formalized an agreement with the Red Socks to construct a new spring stadium in unincorporated Lee County. Since then, the City of Palms Park has been largely underutilized. Additionally, while the Skatium is an asset to users, its impact within the area and ability to generate further investment is limited. It is anticipated that the City will dispose of these properties for future development which will have a substantial impact on redevelopment activities.

A review of property values and sales within the Area over the last number of years confirm what appears to be a significant amount of investor speculation in real estate within the area. Unfortunately there is almost no evidence of investment in these properties which suggests investors are content to hold them until the market drives property values further up.

The area retains in large part its original street grid network. Many street are in fair condition including frequent curbing and sidewalks in place. Some areas, including those with some of the larger multi-family properties, do not have these pedestrian facilities and in general the area lacks pedestrian lighting. While the redevelopment area is meant to serve as an extension of downtown, a considerable disconnect exists between the two. It is anticipated as future redevelopment occurs these two areas can become more assimilated.

Property within the area is in generally fair to poor condition. There is clear neglect at many properties which further supports the speculation over the last several years.

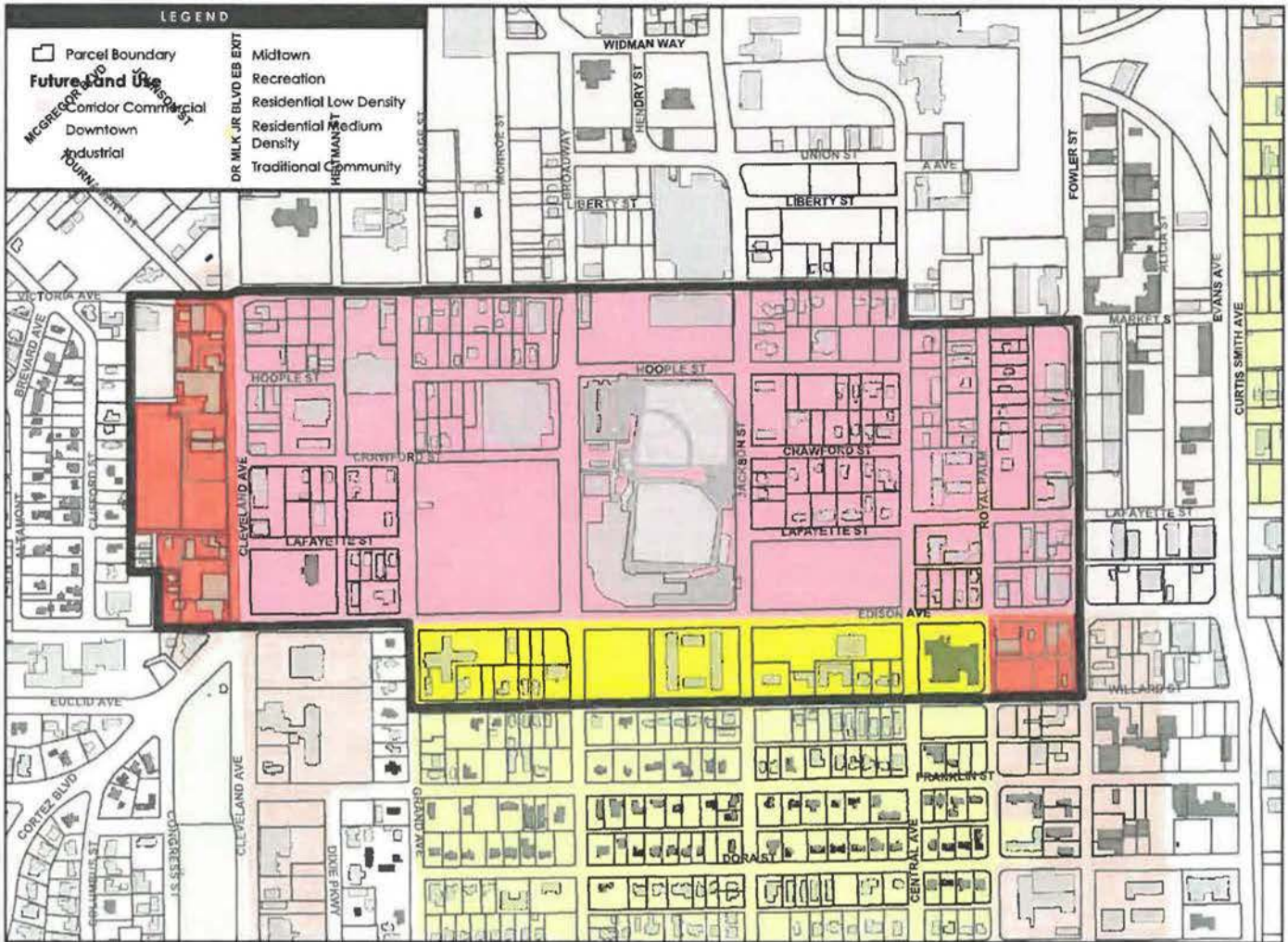
The western and eastern portion of the Area are corridor commercial with the remainder of the Area being largely single-family, low rise multi-family, and civic, faith-based and social service uses.

As the real estate market evolves and properties are sold, parcels assembled, and redevelopment occurs the opportunity for the Area to return to a vibrant community is anticipated.

The City has invested a significant amount of time and effort in developing the Midtown Plan and has amended the Future Land Use Map to support this.

Future Land Uses within the area are predominantly Midtown (intense mixed-use), Commercial Corridor, and Residential Medium Density.

Future Land Uses



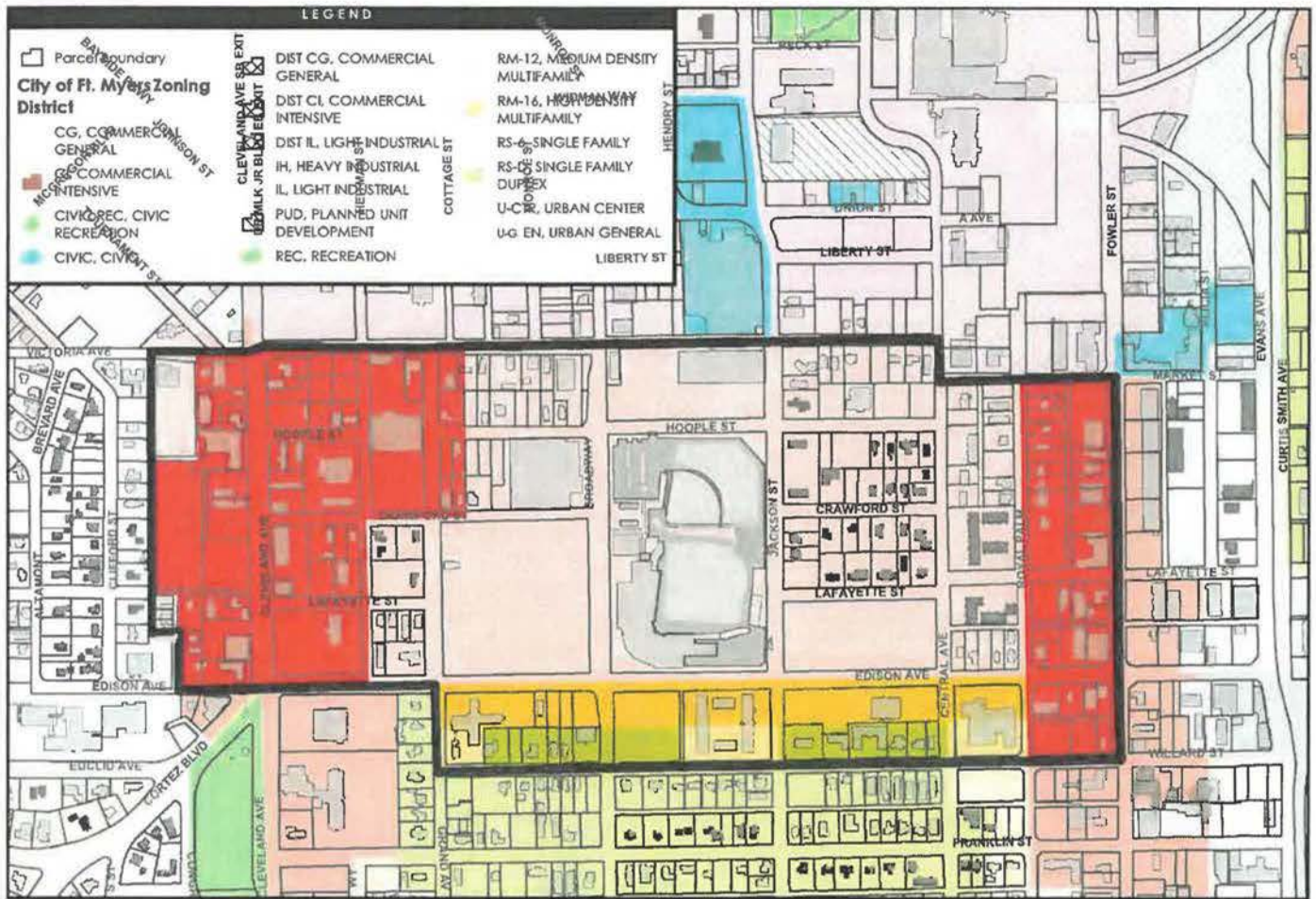
Future Land Use Map

Central Fort Myers Redevelopment Area Future Land Use

Designation	Future Land Use Description	Acreage	Percentage
CC	Corridor Commercial	12.94	9.7%
D/T	Downtown	0.01	0.0%
M/T	Midtown	100.14	75.3%
RMD	Residential Medium Density	17.77	13.4%
T/C	Traditional Community	2.14	1.60%

Table 1. Source: U.S. Census Bureau, Census 2010 Summary File 1, Esri forecasts for 2019.

Zoning Districts



Zoning District Map

Central Fort Myers Redevelopment Area Zoning

Designation	Future Land Use Description	Acreage	Percentage
CG	Commercial General	71.10	53.46%
CI	Commercial Intensive	41.83	31.45%
CIVIC	Civic	0.01	0.00%
DIST CI	Commercial Intensive	0.002	0.00%
NC	Neighborhood Commercial	2.12	1.60%
RM-12	Medium Density Multifamily	3.21	2.41%
RM-16	High Density Multifamily	9.26	6.97%
RS-D	Single Family Duplex	5.41	4.07%
U-CTR	Urban Center	0.05	0.04%

Table 1. Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2019.

Structures

Structures within the Area reflect its many decades of development and transition over the years to its current condition. The Area includes a range of uses including commercial, residential, civic, and social services.

Commercial parcels are mostly concentrated along Cleveland Avenue and Fowler Streets and are in deteriorating condition. Several of the buildings are vacant with windows and doors boarded. Maintenance in general of occupied and vacant properties is lacking.

Within the Area there are a large number of residential properties including single-family residences and low-rise multifamily homes. There are also a variety of structures for faith-based and social service organizations. These structures are generally in fair to poor condition. The area has a large percentage of housing units occupied by tenants, which may contribute to the overall lack of maintenance. Presumably, the apparent investor speculation with intent to hold properties for future resale is likely also contributing to the overall condition of structures.



All windows and doors boarded.



Vacant storefronts.



Vacant storefronts.



All windows and doors boarded.

Infrastructure

Rights-of-way

Infrastructure within the area is generally in fair condition. Many streets are in good condition with curbing and sidewalks. However, there are portion of the Area that are lacking in both City improvement of rights-of-way and on adjacent properties abutting these rights-of-way.

The eastern portion of the Area includes a larger number of multifamily properties and is also the area that appears to have limited sidewalks, and other pedestrian facilities such as lighting.

Pedestrian connectivity along Fowler Street is limited due to an absence of sidewalks within the Area, however sidewalks are present along Cleveland Avenue. Additionally, there are no bike lanes throughout the Area, and in general, no pedestrian lighting. Both corridors are linkages that provide important non-vehicular connectivity. As such, the observable lack of pedestrian and bicycle infrastructure is a hinderance.



Deteriorating site conditions.



Lack of drainage and sidewalks, and deteriorating site conditions.



Lack of pedestrian elements in a multi-family area.



No pedestrian access and deteriorating site conditions.

Demographics & Economics

In General

The Area has a diverse resident base that generally demonstrates economic hardship. A 2017 study identified various areas in which the Area fell well below the City and County in various metrics. Additional data gathered during this study continues to affirm these conditions.

An overview of the following illustrates the general demographic and income position:

Housing:

- **25% of Housing Units are Vacant**
- **60% of Residents are Tenants**

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2019 rounded.

Population:

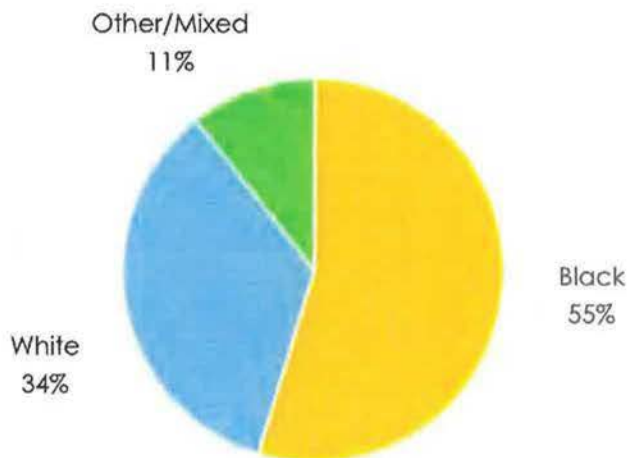
Summary	2017
Population	843
Families	157
Average Household Size	2.39
Median Age	37.7

Table 1. Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2017.

Population by Age	Percent
0-19	23.2%
20-34	22.8%
35-54	29.6%
55+	24.3%

Table 2. Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2017. Note: Esri forecasts may not total exactly 100%.

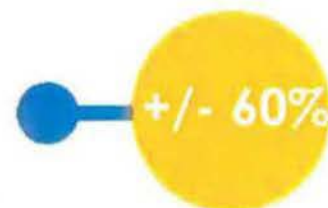
Diversity:



Income:

Metric	Central	City of Fort	% of City
Wealth Index	24	83	10.6%
Median Household Index	\$24,075	\$45,884	52%
Average Household Income	\$31,930	\$69,279	46%
Per Capita Income	\$11,689	\$28,228	41%

Table 1. Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2019.



Population below the poverty line.*

Source: U.S. Census Bureau, 2010-2014, 2017 Projections American Community Survey, 2010 - 2014 ACS Estimate. Percentage for ratios below 1.00.

Tax Exempt Properties

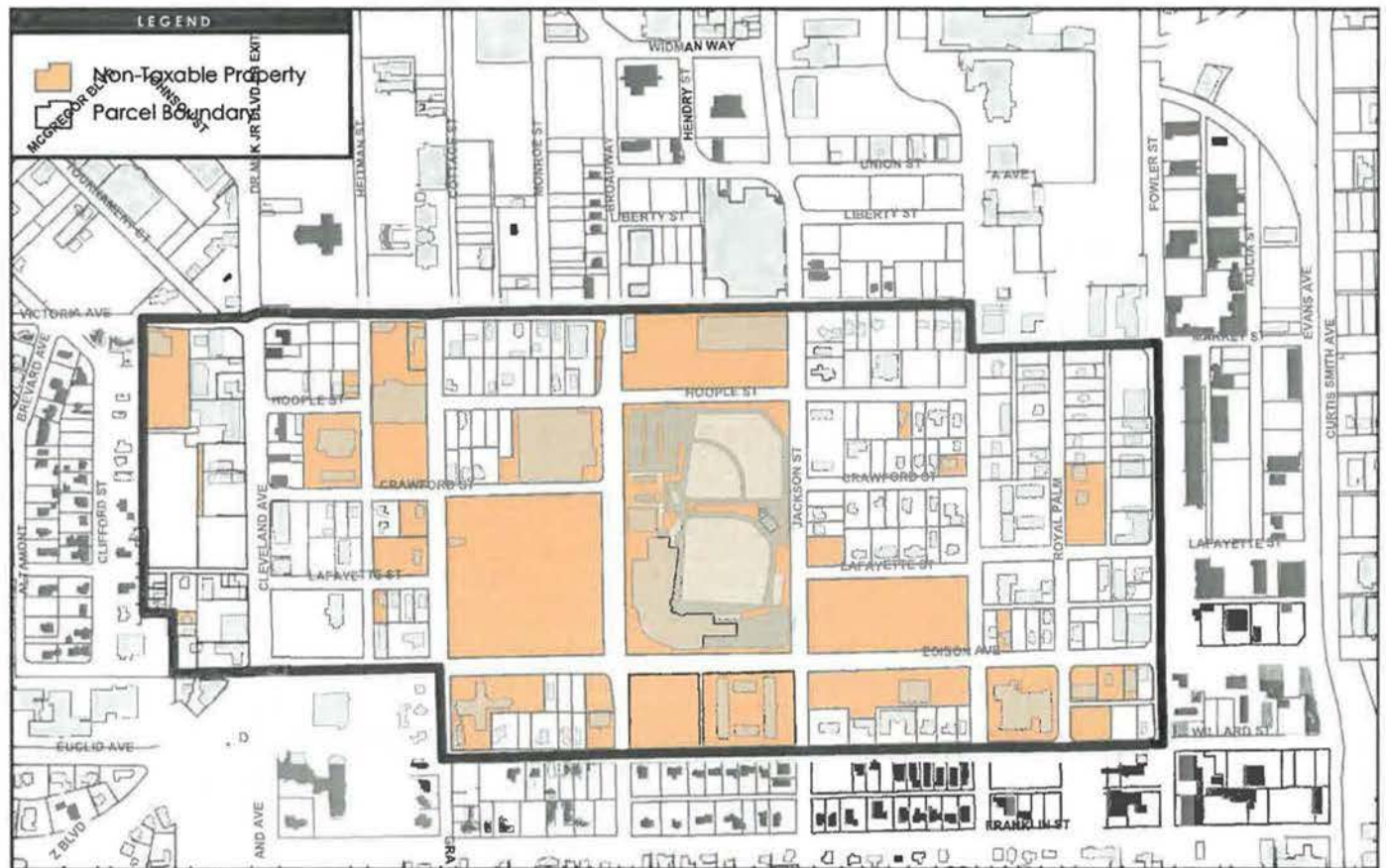
The Area has been limited in financial success since establishment with the subsequent acquisition of numerous properties within Area by the City, in addition to numerous faith-based and social service organizations. This will continue to be a hindrance until some of these parcels return to taxable value. Currently, nearly 60% of the total land value and nearly 40% of land area is non-taxable.

It is anticipated as a part of the Midtown Plan that the City will dispose of its large holdings in this Area which will return those properties to taxable status and subsequently generate tax increment funding.

Additionally, after many years of generating no tax increment, the current values have risen as of 2019 above the base year taxable value and the Area will again be generating revenue to advance redevelopment initiatives.

Area	Assessed Value	Taxable Value	Non-Taxable Value
Central Fort Myers	\$54,817,884 100%	\$22,714,669 41%	\$32,103,215 59%

Table 1. Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2019.



Non-taxable Properties.

Public Interest

Past Activities

In 1990 and 1999 studies were completed for the Central Fort Myers Stabilization area and the Central Fort Myers Redevelopment Area which was the northern portion of the stabilization area.

A series of recommendations were also completed for both which served as the basis for the Central Fort Myers Redevelopment Area Plan.

The creation of the Area was initiated by the City with the intent of developing a Cultural Arts Area. Shortly after establishment, the City purchased numerous properties in the area and constructed, in partnership with Lee County, the City of Palms Park which was home to the Boston Red Socks Spring Training Facility. The City also constructed the Skatium, an ice-skating, gymnasium and fitness facility. Parking areas and stormwater management were also developed in support of these.

As a consequence of property acquisition to enable these developments, a large portion of the Area became non-taxable. That, combined with properties owned by Lee County, the State of Florida, and other faith-based and social service organizations has led to nearly 60% of the total land value being non-taxable. The limited taxable property value in the area and the market trends over the years have resulted in a limited number of years where the Area value was above the established base year value, and therefore has had limited funds at best to initiate any redevelopment efforts.

Further redevelopment efforts have been minimal since that time. In recent years however, the City began a multi-year planning effort to create a "Midtown Plan" that is largely the Central Fort Myers Redevelopment Area. This plan has since been adopted and the City has made various amendments in the land development code to support this.

CRA Future Impact

The CRA has been tremendously effective in the redevelopment of the Downtown Area and with substantial similarity and potential development interest the Area, the opportunity is present for significant impact by the agency.

In upcoming years the City and anticipated new development will require upgraded utilities and subsequent streetscape improvements. Pedestrian and public space improvements will be critical to the success of the Area, and as a linkage to downtown. Similar to the partnership the CRA and City established during the downtown streetscape and utility improvement project, the same opportunity exists in this Area.

Additional support from landscape & facade improvements and business development programs to affordable housing and marketing & branding are a few of the opportunities present the CRA may have significant impact on in the future redevelopment of the Area.

Area Incentives

There are also a few incentive programs available to support redevelopment efforts within the Area:

- New Market Tax Credits (NMTC)
- HUBZone
- Brownfield Area

Conclusion

Blight Conditions Present

The data presented as determining and/or contributing factors in this report are defined by the Act. Based upon the research, fieldwork observations, and analysis conducted for the preparation of this report, there is evidence to recommend that substantial conditions of blight, as defined by the Act, continue to exist in the Area.

The most significant conditions documented were: deteriorating structures; predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities; unsanitary or unsafe conditions; deterioration of site or other improvements; and inadequate and outdated building density patterns.

Additionally, based on the on-site visits and economic data, it is clear that these conditions are leading to the significant economic distress present in the Central Fort Myers Redevelopment Area. It is the conclusion of this report that the following conditions of blight are found within the proposed Area:

Substantial number of deteriorated, or deteriorating structures

- Throughout the Area there is evidence of deteriorated and deteriorating structures, and are most prominent on commercial properties.

Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities

- Various streets lack sidewalks including the portion of the Area along Fowler Street, a heavily traveled corridor, and within areas of largely multi-family properties.
- There is limited pedestrian scale lighting for access throughout the Area. Perception of crime in this Area is high and will be a hindrance until pedestrian and bicycle safety are addressed.

- There are no bike lanes throughout. As an extension to downtown and located in close proximity to the Lee Tran Rosa Parks Transfer Station, priority should be given to non-motorized travelers.

Unsanitary or unsafe conditions

- Perception of crime is relatively high in the Area. Surrounded by heavily traveled roadways the lack of sidewalks in various areas and no pedestrian lighting contributes to a potentially unsafe environment.

Deterioration of site or other improvements

- Roadways and utilities are aging throughout the Area and signs of deterioration are evident in examining the Area. Presence of overgrown drainage swales and general building conditions, particularly in commercial properties is very apparent.

Inadequate and outdated building density patterns

- Single-family residential lots are by nature smaller and not conducive to the intensive mixed-use redevelopment vision. Coordinated assemblage of these parcels will be required to begin realizing redevelopment beyond properties currently owned by the City.
- The commercial properties fronting Cleveland Avenue and Fowler Street are significantly restricted by reduced lot depth and access that has resulted from roadway widening over the years.

Legal Description

DESCRIPTION

Sections 23 & 24, T. 44 S., R. 24 E., City of Fort Myers, Lee County, Florida

A tract or parcel of land lying in Sections 23 & 24, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the south right-of-way line of Victoria Avenue and the west right-of-way line of Central Avenue, said intersection also being the northwest corner of Lot 1, Block 8 of Stadlers Central Heights Subdivision, (Plat Book 4, Page 64, Lee County Records), run southerly along the west right-of-way line of Central Avenue for approximately one hundred fifty six (156) feet to the westerly prolongation of the south right-of-way line of Market Street; thence run easterly along said prolongation and along the south right-of-way line of Market Street for approximately six hundred ninety three (693) feet to the northerly prolongation of the west right-of-way line of Fowler Street; thence run southerly along the said prolongation and following the west right-of-way line of Fowler Street for approximately one thousand four hundred ninety nine (1499) feet to the south right-of-way line of Willard Street, also being the northeast corner of Lot 1, Block E of Pinehurst Park Subdivision (Plat Book 5, Page 16, Lee County Records); thence run westerly along said right-of-way line for approximately two thousand six hundred seventy six (2676) feet to the west right-of-way line of Grand Avenue; thence run northerly along said right-of-way line for approximately three hundred twenty nine (329) feet to the south right-of-way line of Edison Avenue, also being the northeast corner of Lot 12, Block B of Phillips 4th Division (Plat Book 4, Page 41, Lee County Records); thence run westerly along the said right-of-way line for approximately one thousand one hundred eleven (1111) feet to the southerly prolongation of the west boundary of Hanson Pinetucky Addition (Plat Book 1, Page 52, Lee County Records); thence run northerly along said boundary for approximately five hundred (500) feet to the northwest corner of said subdivision also being the southwest corner of Washburns Subdivision (Plat Book 1, Page 52, Lee County Records); thence continue to run northerly along the west boundary of said Washburns Subdivision and the northerly prolongation of such for approximately eight hundred thirty eight (838) feet to the south right-of-way line Victoria Avenue, also being the northeast corner of Lot 3, Block F of Altamont Park Subdivision (Plat Book 5, Page 12, Lee County Records); thence run easterly along said right-of-way line for approximately three thousand eighty six (3086) feet to the west right-of-way line of Central Avenue, also being the point of beginning.

RESOLUTION NO. 99-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, AS PREVIOUSLY AMENDED, TO MODIFY THE LEGAL DESCRIPTION OF THE CENTRAL FORT MYERS AREA AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Amendments have been prepared to the Central Fort Myers Study Area to further capitalize on the existing assets of the area to foster additional redevelopment and growth, and

WHEREAS: The Central Fort Myers Study Area was originally found consistent with the Comprehensive Plan by the Planning Board when first adopted and recommended for approval by the Community Redevelopment Agency, and

WHEREAS: Florida Statutes does not require the Planning Board to make a consistency finding if amending the plan's boundary description, and

WHEREAS: The Central Fort Myers Area Study exists as the Community Redevelopment Plan for the Central Fort Myers Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Central Fort Myers Study, originally adopted September 4, 1990, amended August 5, 1991, October 20, 1997 and amended December 6, 1999, is hereby made a part of this resolution and hereby adopted. The modified legal survey description is Appendix A of the attached Central Fort Myers Area Study.

2. This resolution shall become effective immediately upon adoption.

RESOLUTION NO. 99-68

PASSED IN PUBLIC SESSION of the City Council of the City of
Fort Myers, Florida, this 6th day of December, A.D., 1999.

AYE

Dr. W. Robert Anderson
Dr. W. Robert Anderson

Veronica S. Shoemaker

AYE

Ann M. Knight
Ann M. Knight, Ed.D.

AYE

Michael Flanders
Michael Flanders

AYE

Brenda S. Brewer
Brenda S. Brewer
Council Members

APPROVED this 6th day of December A.D., 1999, at 7:20
o'clock p.m.

Bruce Grady
Bruce T. Grady, Mayor

FILED in the Office of the City Clerk this 6th day of December,
A.D., 1999.

Marie Adams
Marie Adams, City Clerk

RESOLUTION NO. 99-68

APPENDIX A.

November 2, 1999

Legal Description
For
Community Redevelopment Area
Central Fort Myers
Sections 23 & 24, T. 44 S., R. 24 E.
City of Fort Myers, Lee County, Florida

A tract or parcel of land lying in Sections 23 & 24, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the south right-of-way line of Victoria Avenue and the west right-of-way line of Central Avenue, said intersection also being the northwest corner of Lot 1, Block 8 of Stadlers Central Heights Subdivision, (Plat Book 4, Page 64, Lee County Records), run southerly along the west right-of-way line of Central Avenue for approximately one hundred fifty six (156) feet to the westerly prolongation of the south right-of-way line of Market Street; thence run easterly along said prolongation and along the south right-of-way line of Market Street for approximately six hundred ninety three (693) feet to the northerly prolongation of the west right-of-way line of Fowler Street; thence run southerly along the said prolongation and following the west right-of-way line of Fowler Street for approximately one thousand four hundred ninety nine (1,499) feet to the south right-of-way line of Willard Street, also being the northeast corner of Lot 1, Block E of Pinehurst Park Subdivision (Plat Book 5, Page 16, Lee County Records); thence run westerly along said right-of-way line for approximately two thousand six hundred seventy-six (2,676) feet to the west right-of-way line of Grand Avenue; thence run northerly along said right-of-way line for approximately three hundred twenty nine (329) feet to the south right-of-way line of Edison Avenue, also being the northeast corner of Lot 12, Block B of Phillips 4th Division (Plat Book 4, Page 41, Lee County Records); thence run westerly along the said right-of-way line for approximately one thousand one hundred eleven (1,111) feet to the southerly prolongation of the west boundary of Hanson Pinetucky Addition (Plat Book 1, Page 52, Lee County Records); thence run northerly along

RESOLUTION NO. 99-68

south right-of-way line Victoria Avenue, also being the northeast corner of Lot 3, Block F of Altamont Park Subdivision (Plat Book 5, Page 12, Lee County Records); thence run easterly along said right-of-way line for approximately three thousand eighty-six (3086) feet to the west right-of-way line of Central Avenue, also being the point of beginning.

RESOLUTION NO. 97-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, AS PREVIOUSLY AMENDED, TO INCLUDE AN ATHLETIC COMPLEX AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Amendments have been prepared to the Central Fort Myers Study to further capitalize on the existing assets of the area to foster additional redevelopment and growth, and

WHEREAS: The amendments have been found consistent with the Comprehensive Plan by the Planning Board, and recommended for approval by the Community Redevelopment Agency; and

WHEREAS: The Central Fort Myers Area Study exists as the Community Redevelopment Plan for the Central Fort Myers Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Central Fort Myers Study, as amended, dated October, 1997, is hereby adopted.
2. The amendments include the addition of an athletic complex site.
3. This resolution shall become effective immediately upon adoption.

RESOLUTION NO. 97-69

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 17th day of November, A.D., 1997.

AYE

Dr. W. Robert Anderson
Dr. W. Robert Anderson

AYE

Veronica S. Shoemaker
Veronica S. Shoemaker

AYE

Ann M. Knight
Ann M. Knight

AYE

Richard G. Bashaw
Richard G. Bashaw

AYE

Brenda S. Brewer
Brenda S. Brewer
Council Members

APPROVED this 17th day of November, A.D., 1997, at
7:30 o'clock p.m.

Dr. W. Robert Anderson
~~Bruce Grady, Mayor~~
Dr. W. Robert Anderson, Mayor Pro Tem

FILED in the Office of the City Clerk this 17th day of
November, 1997.

Marie Adams
Marie Adams, City Clerk

RESOLUTION NO. 91-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CENTRAL FORT MYERS AREA STUDY ADOPTED SEPTEMBER 4, 1990, TO INCLUDE A BASEBALL STADIUM SITE AND DELETING THE ARTS CENTER AND PARK.

WHEREAS: The Central Fort Myers Area Study ("Study") dated September 4, 1990, has been amended to delete the arts center and park sites, and

WHEREAS: The "Study" has been amended to include a baseball stadium site, and

WHEREAS: The amendments to the "Study" have been found consistent with the City of Fort Myers Comprehensive Plan by the Planning Board, and

WHEREAS: The amendments have been approved by the Community Redevelopment Agency, and

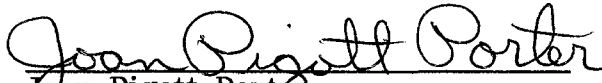
WHEREAS: The "Study" exists as the Community Redevelopment Plan for the Central Fort Myers Area.

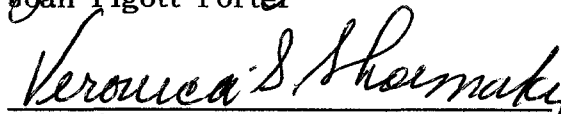
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

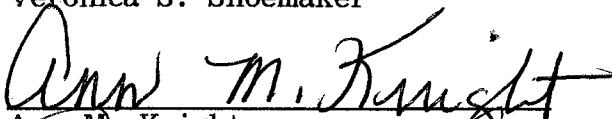
1. The "Study" has been amended to include a baseball stadium site and has been dated August 5, 1991.
2. The amendments to the "Study" are consistent with Section 163.360(6), Florida Statutes.
3. The City Council of the City of Fort Myers, Florida, adopts the "Study" as amended.

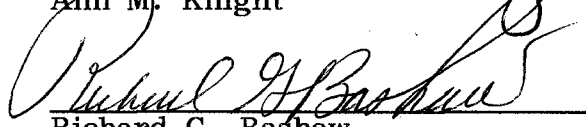
RESOLUTION NO. 91-51

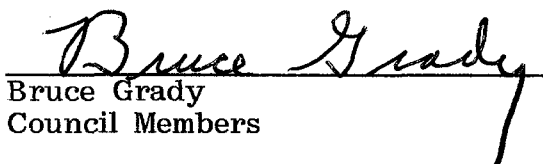
PASSED IN PUBLIC SESSION of the City Council of the City
of Fort Myers, Florida, this 5th day of August, A.D., 1991.


Joan Pigott Porter



Veronica S. Shoemaker


Ann M. Knight


Richard G. Bashaw


Bruce Grady
Council Members

APPROVED this 5th day of August, A.D., 1991, at
8:52 o'clock p.m.


Wilbur C. Smith, III, Mayor

FILED in the Office of the City Clerk this 5th day of
August, 1991.


Marie Adams, City Clerk

RESOLUTION NO. 90-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE CENTRAL FORT MYERS AREA STUDY DATED AUGUST 1990.

WHEREAS: The principles and concepts of the Central Fort Myers Area Study ("Study") have been established consistent with and to further the City of Fort Myers Comprehensive Plan; and

WHEREAS: The "Study" has been found consistent with the Comprehensive Plan by the Planning Board; and

WHEREAS: The "Study" has been approved by the Community Redevelopment Agency; and

WHEREAS: The "Study" exists as a Community Redevelopment Plan for the Central Fort Myers Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Central Fort Myers Area Study is consistent with Section 163.360(6), Florida Statutes.
2. The City Council of the City of Fort Myers, Florida, approves the Central Fort Myers Area Study.
3. The Central Fort Myers Area Study shall be incorporated by reference in the City's Comprehensive Plan during the next Plan Amendment.

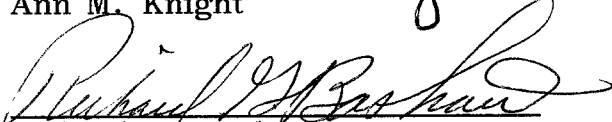
RESOLUTION NO. 90-45

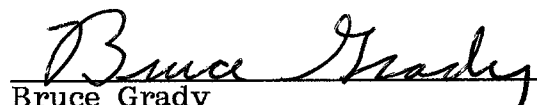
PASSED IN PUBLIC SESSION of the City Council of the City
of Fort Myers, Florida, this 4th day of September, A.D., 1990


Joan Pigott Porter

Veronica S. Shoemaker


Ann M. Knight


Richard G. Bashaw


Bruce Grady
Council Members

APPROVED this 4th day of September, A.D., 1990, at
7:04 o'clock p.m.


Wilbur C. Smith, III, Mayor

FILED in the Office of the City Clerk this 4th day of
September, 1990.


Marie Adams, City Clerk

Cleveland (CL):

Ordinance 2842 created the Cleveland sub area 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222 (c)(6) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 1 AND BY ADDING A NEW SECTION 2-228 ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2843 created the Cleveland sub area 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222 (C)(7) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 2 AND BY ADDING A NEW SECTION 2-229 ESTABLISHING A REDEVELOPMENT RUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2844 created the Cleveland sub area 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222 (C)(8) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 3 AND BY ADDING A NEW SECTION 2-230 ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2845 created the Cleveland sub area 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222 (C)(9) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 4 AND BY ADDING A NEW SECTION 2-231; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 3453 combined all sub areas

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT, SECTION 26-37, CLEVELAND AVENUE SUB-AREA 1 TRUST FUND FOR AREA 5; SECTION 26-38 CLEVELAND AVENUE SUB-AREA 2 TRUST FUND FOR AREA 6; SECTION 26-39 CLEVELAND AVENUE SUB-AREA 3 TRUST FUND FOR AREA 7; AND SECTION 26-40 CLEVELAND SUB-AREA 4 TRUST FUND FOR AREA 8 BY CONVERTING EACH OF THE TRUST FUNDS INTO AN ACCOUNT IN A COMBINED TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2010-39 extended the CL plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CLEVELAND AVENUE IMPROVEMENT PROGRAM – FEBRUARY 1998 BY ADOPTING A REVISED PLAN ENTITLED 2010 CLEVELAND AVENUE REDEVELOPMENT PLAN, EXTENDING THE TIME CERTAIN FOR

COMPLETING ALL REDEVELOPMENT FINANCED BY TAX INCREMENT REVENUES UNTIL APRIL 20, 2040,
AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2842

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222(c)(6) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 1 AND BY ADDING A NEW SECTION 2-228 ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and

WHEREAS: The community redevelopment plan conforms to the general plan of the City as a whole; and

WHEREAS: The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

WHEREAS: The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of

ORDINANCE NO. 2842

the City as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(6) Cleveland Avenue Redevelopment Sub-Area 1 is hereby created to read as follows:

(6) Cleveland Avenue Redevelopment Sub-Area 1:

The following described area is found lying in Block 24, Edison Park, Plat Book 7, Page 28, and vacation Recorded in O.R. 2318, Page 2727, Public Records Of Lee County, Florida; Together with: Block 1 And 2, Edison Park, Plat Book 7, Page 28, Public Records of Lee County, Florida; together with: Lots 1-4 and Lot 8 of Block 34, Edison Park, Plat Book 7, Page 28, Public Records of Lee County, Florida; Together with: Lots 1-8 and East 57.7 feet of Lot 9 and 10 of Block 10, Edison Park, Plat Book 7, Page 28, Public Records of Lee County, Florida; Together with: Blocks 3, 4, and 5, Edison Park, Plat Book 7, Page 28, Public Records of Lee County, Florida; Together with: Blocks 6 and 7, less road right-of-way, Edison Park, Plat Book 7, Page 28, Public Records of Lee County, Florida; Together with: all of Blocks 8, 9, and 13, Edison Park, Plat Book 7, Page 28; that part of Blocks 36, 37, and 38 lying East of a line which lies 684.85 feet West of and parallel with the East line of Block 8, of said Edison Park; that part of Oak Lane and Stella Street, vacated by City Resolution 66-14 (16 May 1966), That part of Columbus Street vacated by City Ordinance 323 (21 June 1948), That part of Congress Street and Narbeth Avenue vacated by C.C.M.B. 10, Page 189 (17 October 1945), and that part of Park Drive vacated by City Ordinance 479 (17 September 1956), Public Records of Lee County, Florida; Together with: Lots V, W, X, Y, and Z, Hansons Drive Subdivision, Plat Book 1, Page 17, Public Records of Lee County, Florida; Together with: Lots 47-50, Hansons Drive Subdivision, Plat Book 1, Page 17, Public Records of Lee County, Florida; Together with: Lots 1-32, Elmer Hough

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Subdivision, Plat Book 6, Page 25, Public Records of Lee County, Florida; Together with: Lots 1-25, Tamiami Park, Plat Book 4, Page 71, Public Records of Lee County, Florida; Together with: A Parcel of land described as follows: Beginning At the Northwest Corner of Block A, The Palms, Plat Book 8, Page 55 thence East to the Northeast Corner of Block B, The Palms, thence South to the Southeast Corner of said Block B, thence West to the Southwest Corner of Block A, The Palms, thence North to the Point of Beginning; together with: Blocks C-E, The Palms, Plat Book 8, Page 55, Public Records of Lee County, Florida; Together with: A parcel of land described as follows: Beginning at the Northwest corner of Block H, The Palms, Plat Book 8, Page 55 thence East to the Northeast Corner of said Block H, The Palms, thence South to the Southeast corner of said Block F, The Palms, thence West to the Southwest corner of said Block F, thence North to the Point of Beginning; together with: A parcel of land described as follows: Beginning at the Northwest Corner of Block A, Tamiami Courts, Plat Book 6, Page 23 thence East to the Northeast Corner of Block B, Tamiami Courts, thence South to the Southeast Corner of said Block B, thence West to the Southwest Corner of Block A, Tamiami Courts, thence North to the Point of Beginning; Together with: Blocks C and D, Tamiami Courts, Plat Book 6, Page 23, Public Records of Lee County, Florida; Together with: Lots 7-18 of Block 2, Lots 1-18 of Block 3, Lots 7-18 of Block 5, and Lots 7-18 of Block 6, Wm Jeffcotts Subdivision, Plat Book 4, Page 19, Public Records of Lee County, Florida; Together with: A Parcel of land described in O.R. 1647, Page 2012, Lots 13-18 of Block A, Lots 20-24 of Block A; and Lot 19 of Block A as described in O.R. 1527, Page 991; Lots 22-24 of Block C and Block D, Phillips 4th Division, Plat Book 4, Page 41, Public Records of Lee County, Florida. Subject to easements, restrictions and rights of record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-228 Redevelopment trust fund for Area 6 is hereby created to read as follows:

Sec. 2-228 Redevelopment trust fund for Area 6.

(a) There is hereby established in accordance with the provision of Florida Statutes 163.387, a redevelopment trust fund for Area 6, also known as Cleveland Avenue Sub-Area 1, which fund is hereinafter referred to as the Cleveland Avenue Sub-Area 1 Trust Fund. The director of finance of the city is hereby appointed and designated to administer the

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Cleveland Avenue Sub-Area 1 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 1 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Cleveland Avenue Sub-Area 1 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 6.

(b) There shall be annually paid into the Cleveland Avenue Sub-Area 1 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

(i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 6; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 6 as shown upon the most recent assessment roll used in connection with the taxation of such

ORDINANCE NO. 2842

property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the Cleveland Avenue Sub-Area 1 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Florida Statutes 163.387(1), and this article. For the purposes of this article, taxing authority shall have the same meaning as that in Florida Statutes 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Cleveland Avenue Sub-Area 1 Trust Fund shall commence as of April 20, 1998 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 6, if any, and any interest thereon incurred by the agency have been paid.

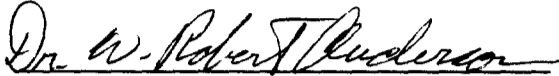
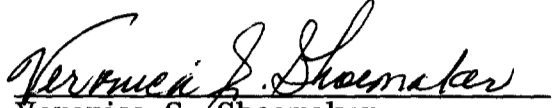
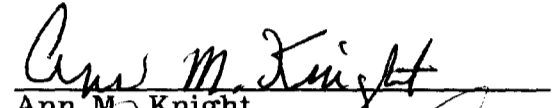
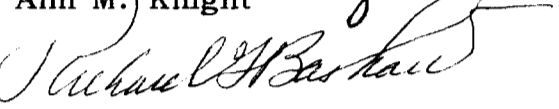

(e) The funding of the Cleveland Avenue Sub-Area 1 Trust Fund shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan for Area 6.

SECTION 3. Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

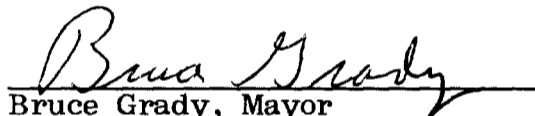
SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2842

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 20th day of April, A.D., 1998.

<u>AYE</u>	 Dr. W. Robert Anderson
<u>AYE</u>	 Veronica S. Shoemaker
<u>AYE</u>	 Ann M. Knight
<u>AYE</u>	 Richard G. Bashaw
<u>AYE</u>	 Brenda S. Brewer Council Members

APPROVED this 20th day of April, A.D., 1998, at 10:26
o'clock p.m.

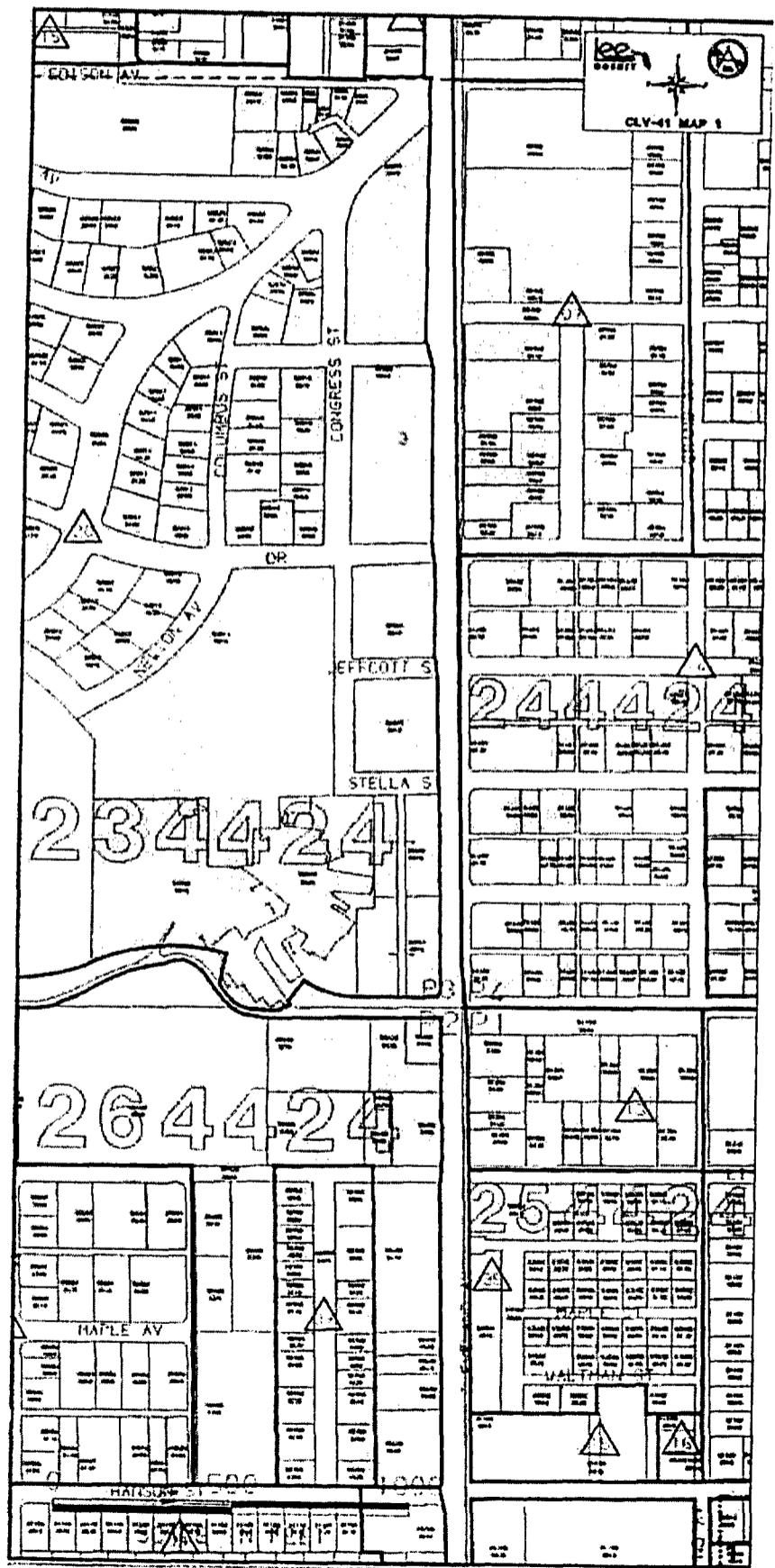

Bruce Grady, Mayor

FILED in the Office of the City Clerk this 20th day of April,
1998.


Marie Adams, City Clerk

EXHIBIT 2

Cleveland Avenue Sub-Area 1



ORDINANCE NO. 2843

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222(c)(7) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 2 AND BY ADDING A NEW SECTION 2-229 ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and

WHEREAS: The community redevelopment plan conforms to the general plan of the City as a whole; and

WHEREAS: The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

WHEREAS: The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of

ORDINANCE NO. 2843

the City as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222(c)(7) Cleveland Avenue Redevelopment Sub-Area 2 is hereby created to read as follows:

(7) Cleveland Avenue Redevelopment Sub-Area 2:

The following described area is found lying in Lots 1-6 And Lot 16 of Block D, Coronado, Plat Book 6, Page 75. Lots 10-18 of Block A, Lot 19 and part of Lot 20 of Block A (O.R. 1761, Page 3212) Re-Subdivision of Block C and part of Block D of Coronado, Plat Book 9, Page 3, Public Records of Lee County, Florida; together with: Block E, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block H, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2798, Page 2781, and Lots 1-6 of Block J, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block 1 and 4, Palmetto Park, Plat Book 3, Page 23, Public Records of Lee County, Florida; together with: Blocks A, B, C, and D, Windsor Park, Plat Book 6, Page 18, Public Records of Lee County, Florida; together with: Block 1, South Gardens, Plat Book 4, Page 50, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 21-25 of Block 1, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-8, East 30 Feet of Lot 9, East 33 Feet of Lots 21, and Lots 22-35, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 3, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 4, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Block 33, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 34, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 35, Palmlee

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Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 51, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2579, Page 1012, O.R. 1364, Page 242, O.R. 1912, Page 3072, O.R. 851, Page 295, and O.R. 1669, Page 519, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2422, Page 1962, O.R. 2800, Page 3089, O.R. 2568, Page 2105, O.R. 1836, Page 2823, O.R. 2258, Page 930, O.R. 2783, Page 1252, O.R. 1853, Page 249, O.R. 1609, Page 427, and O.R. 2481, Page 2114, Public Records of Lee County, Florida; together with: The Northerly 120 Feet of the Westerly 143 Feet of Lot 7, James Holmes Subdivision, Plat Book 5, Page 11, as described in O.R. 2383, Page 0171, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2517, Page 1345, O.R. 1696, Page 4049, O.R. 2471, Page 756, O.R. 2136, Page 3169, and Lot 19 and 20, Maravilla Circle 1st Addition, Plat Book 9, Page 68, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2077, Page 34, Lots 3-7 and 30 feet lying between Lot 5 and Lot 6, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block E, W. Stanley Hansons Subdivision, Plat Book 4, Page 35, A parcel of land described in O.R. 1333, Page 1100, O.R. 2557, Page 1499, O.R. 269, Page 2, and Lots 1 and 2, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block D, W. Stanley Hansons Subdivision, Plat Book 4, Page 35, Public Records of Lee County, Florida. Subject To Easements, Restrictions and Rights of Record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-229 Redevelopment trust fund for Area 7 is created to read as follows:

Sec. 2-229 Redevelopment trust fund for Area 7.

(a) There is hereby established in accordance with the provision of Florida Statutes 163.387, a redevelopment trust fund for Area 7, also known as Cleveland Avenue Sub-Area 2, which fund is hereinafter referred to as the Cleveland Avenue Sub-Area 2 Trust Fund. The director of finance of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 2 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Cleveland

ORDINANCE NO. 2843

Avenue Sub-Area 2 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Cleveland Avenue Sub-Area 2 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 7.

(b) There shall be annually paid into the Cleveland Avenue Sub-Area 2 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

(i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 7; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 7 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the Cleveland Avenue Sub-Area 2 Trust Fund an amount from each taxing authority

ORDINANCE NO. 2843

equal to the increment as calculated in accordance with Florida Statutes 163.387(1), and this article. For the purposes of this article, taxing authority shall have the same meaning as that in Florida Statutes 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Cleveland Avenue Sub-Area 2 Trust Fund shall commence as of April 20, 1998 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 7, if any, and any interest thereon incurred by the agency have been paid.

(e) The funding of the Cleveland Avenue Sub-Area 2 Trust Fund shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan for Area 7.

SECTION 3. Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2843

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of April, A.D., 1998.

<u>AYE</u>	<u>Dr. W. Robert Anderson</u> Dr. W. Robert Anderson
<u>AYE</u>	<u>Veronica S. Shoemaker</u> Veronica S. Shoemaker
<u>AYE</u>	<u>Ann M. Knight</u> Ann M. Knight
<u>AYE</u>	<u>Richard G. Bashaw</u> Richard G. Bashaw
<u>AYE</u>	<u>Brenda S. Brewer</u> Brenda S. Brewer Council Members

APPROVED this 6th day of April, A.D., 1998, at 9:27
o'clock p.m.

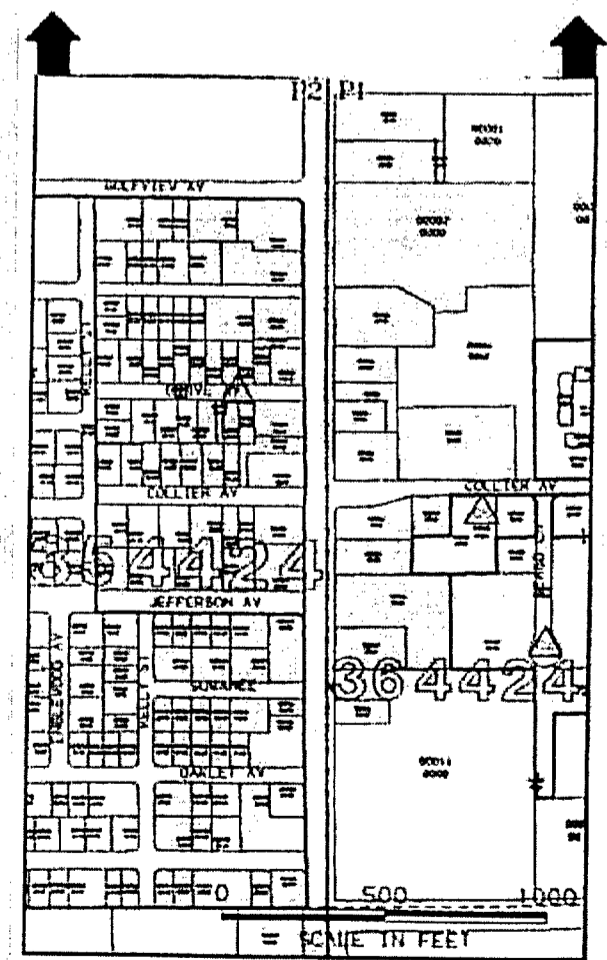
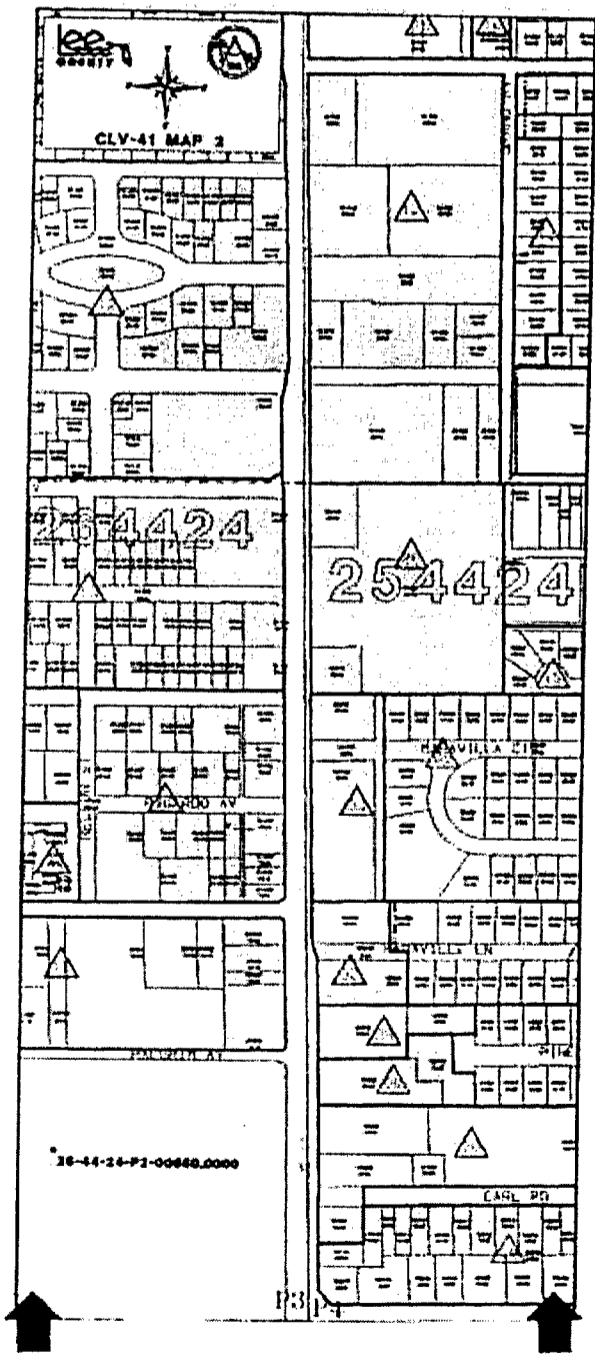
Bruce Grady
Bruce Grady, Mayor

FILED in the Office of the City Clerk this 6th day of April,
1998.

Marie Adams
Marie Adams, City Clerk

EXHIBIT 3

Cleveland Avenue Sub-Area 2



ORDINANCE NO. 2844

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222(c)(8) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 3 AND BY ADDING A NEW SECTION 2-230 ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and

WHEREAS: The community redevelopment plan conforms to the general plan of the City as a whole; and

WHEREAS: The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

ORDINANCE NO. 2844

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORTY MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment Section 2-222 Name and purpose (c)(8) Cleveland Avenue Redevelopment Sub-Area 3 is hereby created to read as follows:

(8) - Cleveland Avenue Redevelopment Sub-Area 3:

A parcel of land described in O.R. 2039, Page 2851-2852, O.R. 2075, Page 4222, O.R. 2546, Page 1222, O.R. 2726, Page 353, and O.R. 2618, Page 1202, Public Records of Lee County, Florida; Together with: A parcel of land described in O.R. 2125, Page 3586, O.R. 2382, Page 3316, O.R. 605, Page 192, O.R. 683, Page 244, O.R. 2725, Page 2685, O.R. 2547, Page 3050, O.R. 2311, Page 309, O.R. 1308, Page 631, O.R. 2805, Page 2044, O.R. 1887, Page 3104-3105, O.R. 2188, Page 2509, O.R. 1999, Page 3215, O.R. 1380, Page 110, O.R. 2361, Page 2101, O.R. 107, Page 603, Lots 5-8, 10-28 and private drive of Thrifty Center Subdivision, Plat Book 10, Page 117, Public Records Of Lee County, Florida; Together with: Tracts or parcels of land bound by Winkler Avenue, Cleveland Avenue (U.S. 41, S.R. 45), Solomon Boulevard, Colonial Boulevard less tracts or parcels of land described in O.R. 1122, Page 1960, O.R. 2664, Page 507, O.R. 2572, Page 2266, and O.R. 1180, Page 1611, Public Records of Lee County, Florida; Together with: A parcel of land described in O.R. 1623, Page 349, and O.R. 428, Page 341, Public Records of Lee County, Florida. Subject to easements, restrictions and rights of record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-230 Redevelopment trust fund for Area 8 is hereby created to read as follows:

ORDINANCE NO. 2844

Sec.2-230 Redevelopment trust fund for Area 8.

(a) There is hereby established in accordance with the provision of Florida Statutes 163.387, a redevelopment trust fund for Area 8, also known as Cleveland Avenue Sub-Area 3, which fund is hereinafter referred to as the Cleveland Avenue Sub-Area 3 Trust Fund. The director of finance of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 3 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 3 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Cleveland Avenue Sub-Area 3 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 8.

(b) There shall be annually paid into the Cleveland Avenue Sub-Area 3 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

ORDINANCE NO. 2844

(i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 8; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 8 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the Cleveland Avenue Sub-Area 3 Trust an amount from each taxing authority equal to the increment as calculated in accordance with Florida Statutes 163.387(1), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in Florida Statutes 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Cleveland Avenue Sub-Area 3 Trust Fund shall commence as of April 20, 1998 and shall continue until all loans, advances and indebtedness

ORDINANCE NO. 2844

pertaining to redevelopment in Area 8, if any, and any interest thereon incurred by the agency have been paid. The funding of the Cleveland Avenue Sub-Area 3 Trust Fund shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan for Area 8.

SECTION 3. Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2844

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of April, A.D., 1998.

<u>AYE</u>	<u><i>Dr. W. Robert Anderson</i></u> Dr. W. Robert Anderson
<u>AYE</u>	<u><i>Veronica S. Shoemaker</i></u> Veronica S. Shoemaker
<u>AYE</u>	<u><i>Ann M. Knight</i></u> Ann M. Knight
<u>AYE</u>	<u><i>Richard G. Bashaw</i></u> Richard G. Bashaw
<u>AYE</u>	<u><i>Brenda S. Brewer</i></u> Brenda S. Brewer Council Members

APPROVED this 6th day of April, A.D., 1998, at 9:27
o'clock p.m.

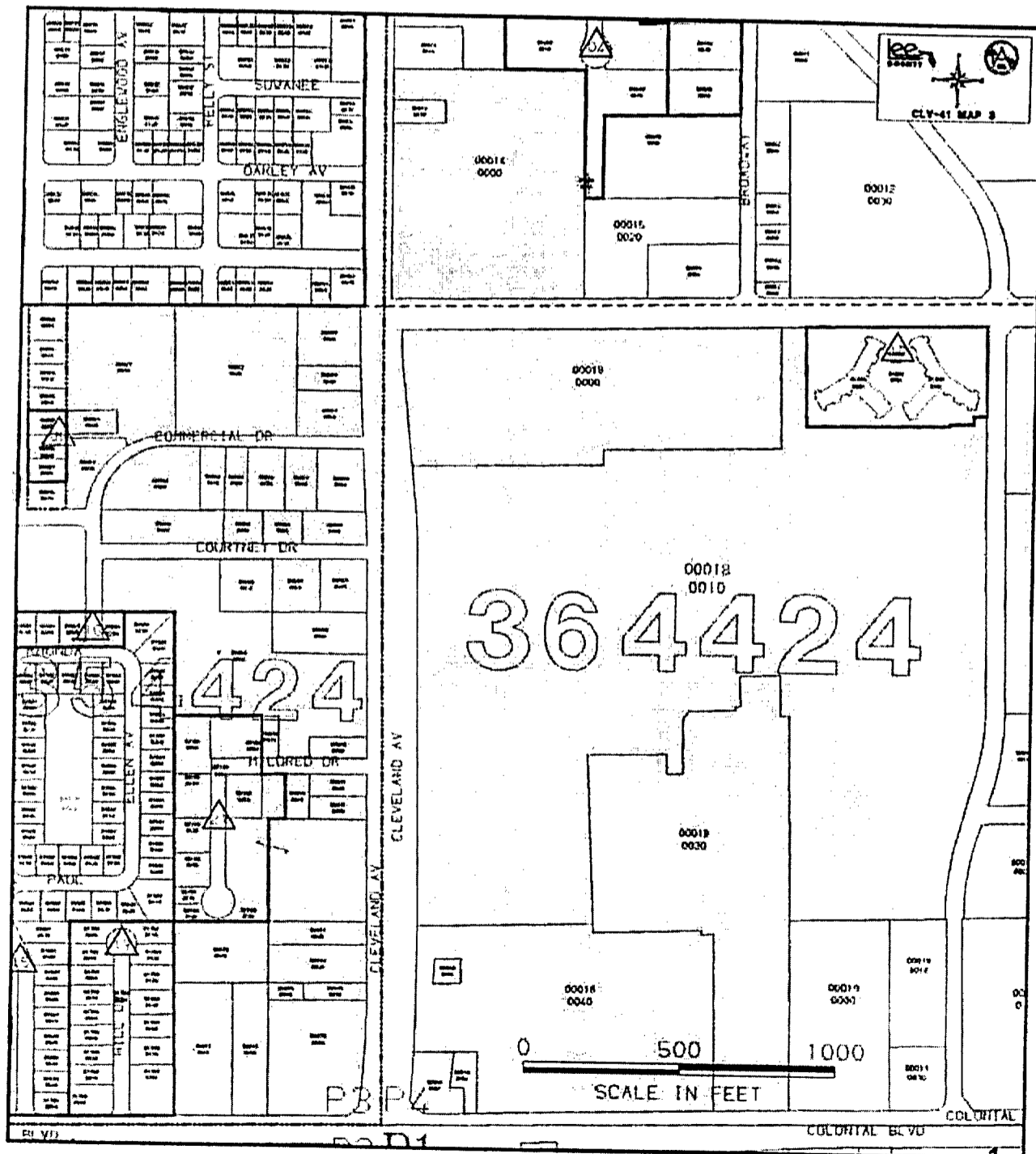
Bruce Grady
Bruce Grady, Mayor

FILED in the Office of the City Clerk this 6th day of April,
1998.

Marie Adams
Marie Adams, City Clerk

EXHIBIT 4

Cleveland Avenue Sub-Area 3



ORDINANCE NO. 2845

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222(c)(9) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 4 AND BY ADDING A NEW SECTION 2-231; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and

WHEREAS: The community redevelopment plan conforms to the general plan of the City as a whole; and

WHEREAS: The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

WHEREAS: The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

ORDINANCE NO. 2845

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(9) Cleveland Avenue Redevelopment Sub-Area 4 is hereby created to read as follows:

(9) Area 9 Cleveland Redevelopment Sub-Area 4:

A parcel of land described in O.R. 2771, Page 3312, O.R. 2694, Page 4006, O.R. 2505, Page Avenue 1441, O.R. 2356, Page 2894, O.R. 1659, Page 2940, O.R. 2374, Page 4013, O.R. 2670, Page 431, and O.R. 1424, Page 929 Public Records Of Lee County, Florida; Together with: A parcel of land described in O.R. 2195, Page 4019, O.R. 1877, Page 3146, O.R. 1672, Page 4761, O.R. 1723, Page 1881, Public Records Of Lee County, Florida; Together with: A parcel of land described in O.R. 2136, Page 4592, O.R. 2709, Page 4095, O.R. 1378, Page 263, O.R. 1769, Page 1542 and Page Plaza Replat, Plat Book 47, Page 38, Public Records Of Lee County, Florida; Together With: A parcel of land described in O.R. 1845, Page 2534, O.R. 1789, Page 1445, O.R. 1352, Page 1855, O.R. 1661, Page 2197, O.R. 2373, Page 2631, O.R. 2263, Page 4083, O.R. 2802, Page 381, O.R. 1814, Page 1956, and O.R. 2590, Page 1274, O.R. 1735, Page 1718, Lots 7-17, and Lots 19-21, Dellee Park Subdivision, Plat Book 33, Page 78, Public Records of Lee County, Florida; Together With: A parcel of land described in O.R. 1751, Page 2868, O.R. 1737, Page 4596, O.R. 2354, Page 800, Lots 1-4, Katies Park, Plat Book 39, Page 28, Sun View Center Subdivision, Plat Book 56, Page 85, Public Records of Lee County, Florida; Together with: A parcel of land described in O.R. 1700, Page 1051, O.R. 2541, Page 3461, O.R. 2735, Page 1914, Public Records of Lee County, Florida; Together with: A parcel of land described in O.R. 2393, Page 3487, O.R. 2545, Page 3123, O.R. 1823, Page 1033, Public Records of Lee County, Florida; Together With: A Parcel of land being that property owned by Lee County, Florida lying North of North Airport Road, East of U.S. 41, West of Fowler Street identified by Lee County, Florida Strap

ORDINANCE NO. 2845

Number 01-45-24-P1-00060.0080, Public Records of Lee County, Florida. Subject To easements, restrictions and rights of record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-231 Redevelopment trust fund for Area 9 is hereby created to read as follows:

Sec. 2-231 Redevelopment trust fund for Area 9.

(a) There is hereby established in accordance with the provision of Florida Statutes 163.387, a redevelopment trust fund for Area 9, also known as Cleveland Avenue Sub-Area 4, which fund is hereinafter referred to as the Cleveland Avenue Sub-Area 4 Trust Fund. The director of finance of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 4 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 4 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Cleveland Avenue Sub-Area 4 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 9.

(b) There shall be annually paid into the Cleveland Avenue Sub-Area 4 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

ORDINANCE NO. 2845

(i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 9; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 9 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the Cleveland Avenue Sub-Area 4 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1), and this article. For the purposes of this article, taxing authority shall have the same meaning as that in F.S. 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Cleveland Avenue Sub-Area 4 Trust Fund shall commence as of April 20, 1998 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 9, if any, and any interest thereon incurred by the agency have been paid. The funding of the Cleveland Avenue Sub-Area 4 Trust Fund shall continue for the duration of the Cleveland Avenue Improvement

ORDINANCE NO. 2845

Program, the community redevelopment plan for
Area 9.

SECTION 3. Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2845

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of April, A.D., 1998.

<u>AYE</u>	<u>Dr. W. Robert Anderson</u> Dr. W. Robert Anderson
<u>AYE</u>	<u>Veronica S. Shoemaker</u> Veronica S. Shoemaker
<u>AYE</u>	<u>Ann M. Knight</u> Ann M. Knight
<u>AYE</u>	<u>Richard G. Bashaw</u> Richard G. Bashaw
<u>AYE</u>	<u>Brenda S. Brewer</u> Brenda S. Brewer Council Members

APPROVED this 6th day of April, A.D., 1998, at 9:28
o'clock p.m.

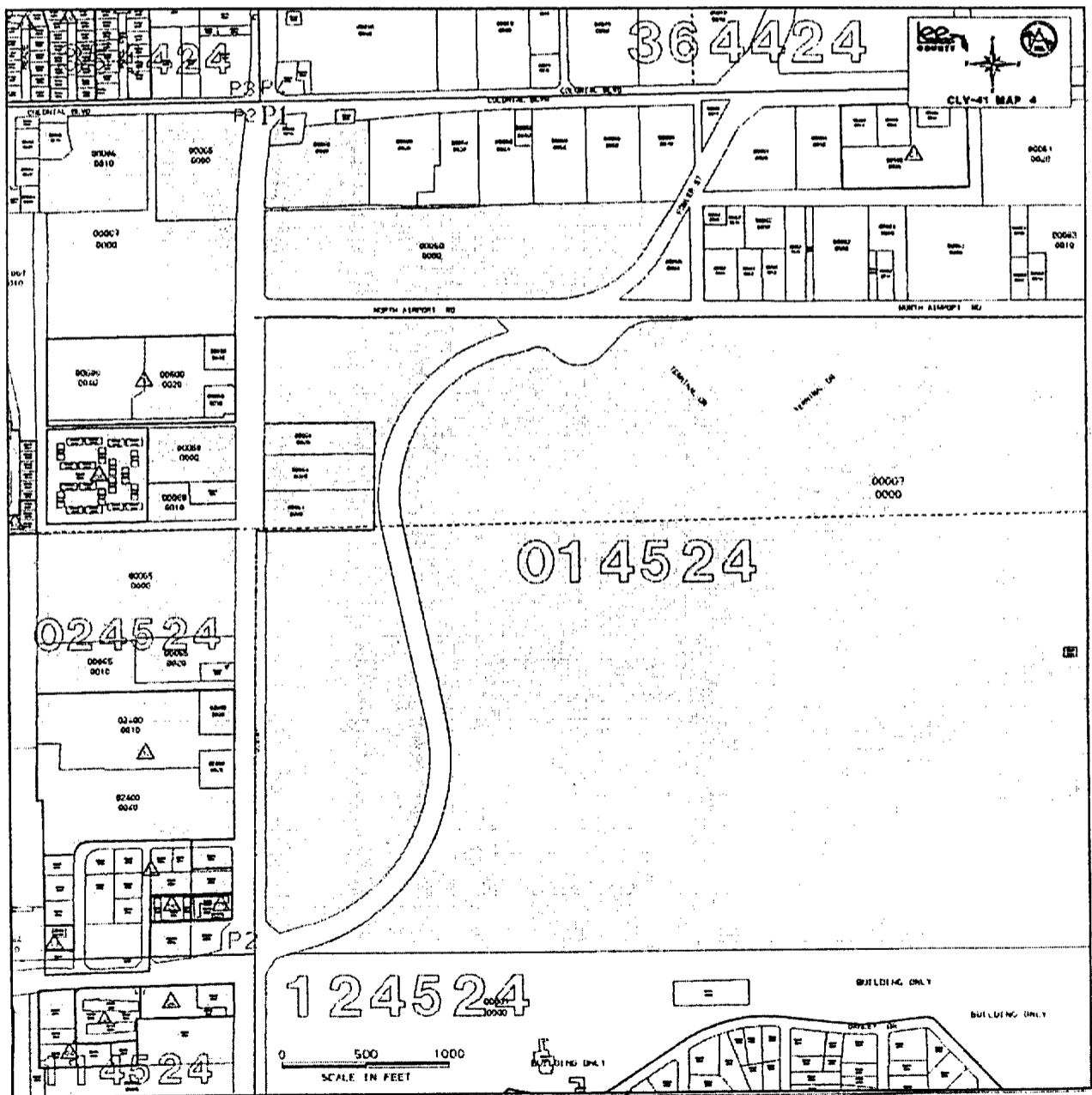
Bruce Grady
Bruce Grady, Mayor

FILED in the Office of the City Clerk this 6th day of April,
1998.

Marie Adams
Marie Adams, City Clerk

EXHIBIT 5

Cleveland Avenue Sub-Area 4



ORDINANCE NO. 3453

AN ORDINANCE

To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT, SECTION 26-37, CLEVELAND AVENUE SUB-AREA 1 TRUST FUND FOR AREA 5; SECTION 26-38 CLEVELAND AVENUE SUB-AREA 2 TRUST FUND FOR AREA 6; SECTION 26-39 CLEVELAND AVENUE SUB-AREA 3 TRUST FUND FOR AREA 7; AND SECTION 26-40 CLEVELAND AVENUE SUB-AREA 4 TRUST FUND FOR AREA 8 BY CONVERTING EACH OF THE TRUST FUNDS INTO AN ACCOUNT IN A COMBINED TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-37 Cleveland Avenue Sub-Area 1 Trust Fund for area 5, is hereby amended to read as follows:

Sec. 26-37. Cleveland Avenue Sub-Area 1 Trust Fund for area 5.

(a) There is hereby established in accordance with the provisions of F.S § 163.387, a redevelopment trust fund for area 5, also known as the Cleveland Avenue Sub-Area 1, which fund is hereinafter referred to as the "Cleveland Avenue Sub-Area 1 Trust Fund". The "Cleveland Avenue Sub-Area 1 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and

ORDINANCE NO. 3453

combination. The financial services director of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 1 Account in the combined trust fund known as the "Cleveland Avenue Combined Trust Fund" on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 1 Account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund" in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the "Cleveland Avenue Combined Trust Fund" are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Cleveland Avenue community redevelopment area.

(b) There shall be paid annually into the "Cleveland Avenue Combined Trust Fund" an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 5; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which

ORDINANCE NO. 3453

the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 5 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the "Cleveland Avenue Combined Trust Fund" an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Cleveland Avenue Combined Trust Fund" shall commence as of April 20, 1998, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in ~~area 5~~ the Cleveland Avenue redevelopment area, if any, and any interest thereon incurred by the agency have been paid.

(e) The funding of the "Cleveland Avenue Combined Trust Fund" shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan.

(f) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

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SECTION 2. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-38 Cleveland Avenue Sub-Area 2 Trust Fund for area 6, is hereby amended to read as follows:

Sec. 26-38. Cleveland Avenue Sub-Area 2 Trust Fund for area 6.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 7, also known as Cleveland Avenue Sub-Area 2, which fund is hereinafter referred to as the "Cleveland Avenue Sub-Area 2 Trust Fund." The "Cleveland Avenue Sub-Area 2 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 2 Account in the combined trust fund known as the "Cleveland Avenue Combined Trust Fund" on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 2 Account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund" in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the "Cleveland

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Avenue Combined Trust Fund” are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Cleveland Avenue community redevelopment area.

(b) There shall be paid annually into the “Cleveland Avenue Combined Trust Fund” an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 6; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 6 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the “Cleveland Avenue Combined Trust Fund” an amount from each taxing authority equal to the increment

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as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Cleveland Avenue Combined Trust Fund" shall commence as of April 20, 1998, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Cleveland Avenue redevelopment area, if any, and any interest thereon incurred by the agency have been paid.

(e) The funding of the "Cleveland Avenue Combined Trust Fund" shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan.

(f) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 3. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-39 Cleveland Avenue Sub-Area 3 Trust Fund for area 7, is hereby amended to read as follows:

Sec. 26-39. Cleveland Avenue Sub-Area 3 Trust Fund for area 7.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 7, also known as Cleveland Avenue Sub-Area 3, which fund is hereinafter referred to as the "Cleveland Avenue Sub-Area 3 Trust Fund." The

ORDINANCE NO. 3453

“Cleveland Avenue Sub-Area 3 Trust Fund” is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the “Cleveland Avenue Combined Trust Fund.” As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 3 Account in the combined trust fund known as the “Cleveland Avenue Combined Trust Fund” on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 3 Account in a combined trust fund known as the “Cleveland Avenue Combined Trust Fund” in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the “Cleveland Avenue Combined Trust Fund” are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Cleveland Avenue community redevelopment area.

(b) There shall be paid annually into the “Cleveland Avenue Combined Trust Fund” an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment.

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Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 7; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 7 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the "Cleveland Avenue Combined Trust Fund" an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Cleveland Avenue Combined Trust Fund" shall commence as of April 20, 1998, and shall continue until all loans, advances and indebtedness pertaining to

ORDINANCE NO. 3453

redevelopment in the Cleveland Avenue redevelopment area, if any, and any interest thereon incurred by the agency have been paid. The funding of the "Cleveland Avenue Combined Trust Fund" shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan.

(e) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 4. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-40 Cleveland Avenue Sub-Area 4 Trust Fund for area 8, is hereby amended to read as follows:

Sec. 26-40. Cleveland Avenue Sub-Area 4 Trust Fund for area 8.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 8, also known as Cleveland Avenue Sub-Area 4, which fund is hereinafter referred to as the "Cleveland Avenue Sub-Area 4 Trust Fund." The "Cleveland Avenue Sub-Area 1 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 4 Account in the combined

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trust fund known as the "Cleveland Avenue Combined Trust Fund" on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Cleveland Avenue Sub-Area 4 Account in a combined trust fund known as the "Cleveland Avenue Combined Trust Fund" in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the "Cleveland Avenue Combined Trust Fund" are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within the Cleveland Avenue community redevelopment area.

(b) There shall be paid annually into the "Cleveland Avenue Combined Trust Fund" an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 8; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value

ORDINANCE NO. 3453

of the taxable real property in area 8 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the "Cleveland Avenue Combined Trust Fund" an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Cleveland Avenue Combined Trust Fund" shall commence as of April 20, 1998, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Cleveland Avenue redevelopment area, if any, and any interest thereon incurred by the agency have been paid. The funding of the "Cleveland Avenue Combined Trust Fund" shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan.

(e) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 5. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with

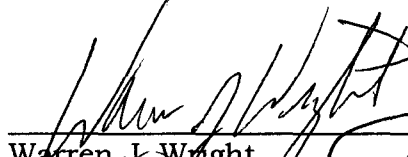
ORDINANCE NO. 3453

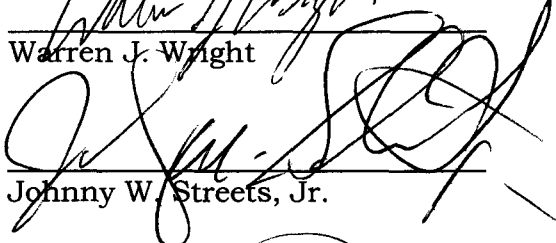
appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

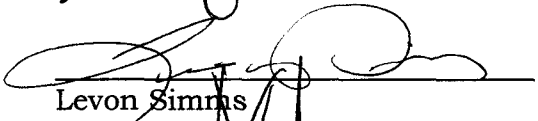
SECTION 6. This Ordinance shall become effective upon adoption.

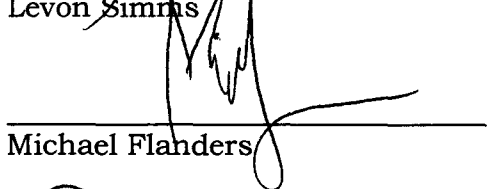
ORDINANCE NO. 3453

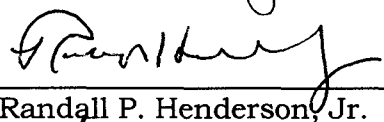
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 17th day of March, A.D., 2008.

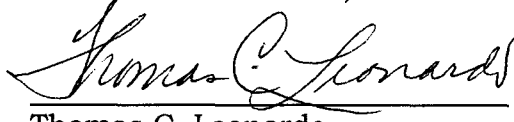
Aye 
Warren J. Wright

Aye 
Johnny W. Streets, Jr.

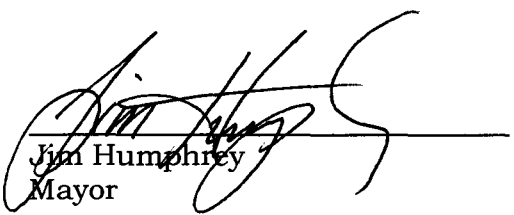
Aye 
Levon Simms

Aye 
Michael Flanders

Aye 
Randall P. Henderson, Jr.

Aye 
Thomas C. Leonardo
Council Members

APPROVED this 17th day of March, A.D., 2008, at 7:11 o'clock p.m.

Aye 
Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 17th day of March, A.D., 2008.


Marie Adams, CMC
City Clerk

RESOLUTION NO. 2010-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CLEVELAND AVENUE IMPROVEMENT PROGRAM – FEBRUARY, 1998 BY ADOPTING A REVISED PLAN ENTITLED 2010 CLEVELAND AVENUE REDEVELOPMENT PLAN, EXTENDING THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY TAX INCREMENT REVENUES UNTIL APRIL 20, 2040, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: City Council established the Cleveland Avenue Redevelopment Sub-Area 1 by Ordinance No. 2842 on April 20, 1998; and

WHEREAS: City Council established the Cleveland Avenue Redevelopment Sub-Area 2 by Ordinance No. 2843 on April 6, 1998; and

WHEREAS: City Council established the Cleveland Avenue Redevelopment Sub-Area 3 by Ordinance No. 2844 on April 6, 1998; and

WHEREAS: City Council established the Cleveland Avenue Redevelopment Sub-Area 4 by Ordinance No. 2845 on April 6, 1998; and

WHEREAS: Based on evidence presented to the City Council at public meetings and incorporated into the minutes of Council meetings, the sub-areas in the City of Fort Myers more fully described in Section 2 below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The City Council adopted the Cleveland Avenue Improvement Program – February, 1998 by Resolution No. 98-20 on April 6, 1998, to guide the redevelopment of the sub-areas; and

RESOLUTION NO. 2010-39

WHEREAS: The City Council and the Community Redevelopment Agency in 1999 determined there was a need to amend the Cleveland Avenue Improvement Program - February, 1998, to modify the legal description of Sub-Area 1; and

WHEREAS: The City Council adopted the amended Cleveland Avenue Improvement Program - February, 1998 by Resolution No. 99-69 on December 6, 1999; and

WHEREAS: The Community Redevelopment Agency and the City Council in 2005 determined that there was a need for an amended Cleveland Avenue Redevelopment Plan, and as a result, hired the firm of EDAW, Inc. to prepare an amended plan; and

WHEREAS: The amended Cleveland Avenue Redevelopment Plan was presented to the Community Redevelopment Agency Board of Commissioners on April 25, 2007, and adopted in principle; and

WHEREAS: The City of Fort Myers Planning Board reviewed said amended 2010 Cleveland Avenue Redevelopment Plan on April 7, 2010, and recommended approval; and

WHEREAS: The Community Redevelopment Agency Board of Commissioners reviewed the 2010 Cleveland Avenue Redevelopment Plan on June 23, 2010, and recommended approval; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the sub-areas economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

RESOLUTION NO. 2010-39

1. The 2010 Cleveland Avenue Redevelopment Plan, hereafter referred to as the Plan, is hereby adopted as the amended redevelopment plan for the area described below. The 2010 Cleveland Avenue Redevelopment Plan is on file in the City Clerk's Office.

2. The 2010 Cleveland Avenue Redevelopment Plan redevelopment Sub-Area 1 boundary shall remain the same as established by Resolution No. 99-69 adopted on December 6, 1999, and described as follows:

Sections 23, 24, 25 and 26, Township 44 South,
Range 24 East
City of Fort Myers, Lee County, Florida

A tract or parcel of land lying in Sections 23, 24, 25 and 26, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the south right-of-way line of Edison Avenue and the west right-of-way line of Grand Avenue, said intersection also being the northeast corner of Lot 12, Block B of Phillips 4th Division (Plat Book 4, Page 41, Lee County Records) run southerly along the west right-of-way line of Grand Avenue for approximately six hundred (600) feet to the northwest corner Franklin Street, also being the southeast corner of Lot 1, Block B of said subdivision; thence run westerly along the north right-of-way line of Franklin Street for approximately one hundred forty-three (143) feet, also being the southwest corner of said Lot 1; thence run southerly for approximately fifty (50) feet to the northeast corner of Lot 13, Block A of said subdivision also being the south right-of-way line of Franklin Street; thence continue to run southerly along the northeast corner of said lot line and the southerly prolongation of such for approximately three hundred (300) feet to the northeast corner of Lot 19, Block A of said subdivision; thence run westerly along the north lot line of said lot for approximately twenty (20) feet; thence run southerly for approximately fifty (50) feet to the south lot line of said Lot 19; thence run easterly along said lot line for approximately twenty (20) feet to the southeast corner of said Lot 19; thence run southerly for approximately three hundred ten (310) feet intersecting with the south right-of-way line of South Street; thence run westerly along the said right-of-way line for approximately one hundred sixty-six (166) feet

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to the northeast corner of Lot 7, Block 2 of Jeffcott WM. Addition, (Plat Book 4, Page 19, Lee County Records), also being the west line of a ten (10) foot wide alley; thence run southerly along the east lot line of said lot and the prolongation of such for approximately three hundred twenty-one (321) feet to the south right-of-way line of Jeffcott Street; thence run easterly along said right-of-way line for approximately three hundred (300) feet to the southwest corner of Jeffcott Street and Grand Avenue, also being the northeast corner of Lot 1, Block 3 of said subdivision; thence run southerly along the west right-of-way line of Grand Avenue for approximately one hundred twenty-eight (128) feet and prolongation of such to the southwest corner of Lot 1, Block 3 of said subdivision, also being the north line of a fifteen (15) foot wide alley; thence run westerly along the said lot line for approximately three hundred three (303) feet, to a point being three (3) feet west of the southeast corner of Lot 7, Block 3 of said subdivision; thence run southerly for approximately eight hundred ninety-one and one-half (891.5) feet along the northerly prolongation of the east lot line of Lot 18, Block 3 of said subdivision and continuing southerly along the east lot lines of Lots 7 and 18 of Blocks 3, 5 and 6 of said subdivision, also being the west line of a ten (10) foot wide alley, and the southerly prolongation of the west line of said alley where it intersects with the south right-of-way line of Canal Street; thence run easterly for approximately three hundred seventeen (317) feet along the south right-of-way line of Canal Street to the southwest corner of Grand Avenue; thence run southerly for approximately one thousand two hundred fifty-six and two-tenths (1,256.20) feet along the west right-of-way line of Grand Avenue intersecting with the northwest corner of Hanson Street; thence run westerly for approximately six hundred seven (607) feet along the north right-of-way line of Hanson Street to the northeast corner of Cleveland Avenue; thence run west southwesterly for approximately eighty-four (84) feet to the intersection of the west right-of-way line of Cleveland Avenue and the north right-of-way line of Hanson Street; thence run westerly for approximately four hundred sixty (460) feet, also being the north right-of-way line of Hanson Street, to the southwest corner of Houghs Elmer Subdivision, (Plat Book 6, Page 25, Lee County Records); thence run northerly along the west boundary line of said subdivision and the prolongation of such for approximately eight hundred ninety (890) feet to the north right-of-way line of Linhart Avenue; thence run westerly along said right-of-way line for approximately twenty (20) feet to

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the southwest corner of Lot V of Hansons Drive Subdivision, (Plat Book 1, Page 17, Lee County Records); thence run northerly along the west lot line of said lot for approximately four hundred fifteen (415) feet to the northwest corner of said lot ;thence follow the northerly prolongation of said lot line to where it intersects with the centerline of Manuals Branch Canal; thence follow said centerline westerly for approximately one hundred sixty-seven (167) feet to an intersection with the southerly prolongation of a boundary line of Edison Park Subdivision (Plat Book 7, Page 28, Lee County Records); thence follow said subdivision line northerly for approximately seventy (70) feet; thence continue to follow said subdivision line to the west for approximately three hundred seventy-nine and thirty-three one-hundredths (379.33) feet; thence run due north for six hundred forty-one and seventeen one-hundredths (641.17) feet intersecting with the southwest right-of-way line of Oak Lane; thence run northwesterly for one hundred three and fifteen one-hundredths (103.15) feet to the southeast right-of-way line of Newton Avenue; thence follow the said right-of-way line for five hundred seventeen and forty-five one-hundredths (517.45) feet to the south right-of-way line of South Street; thence run easterly along the south right-of-way line of South Street for approximately seventy-eight (78) feet; thence run due north for approximately one hundred eighty (180) feet to the north line of Lot 10, Block 10 of said subdivision; thence run easterly along said lot line for approximately fifty-five (55) feet to the northeast corner of said lot; thence run northerly along the northerly prolongation of the east lot line of Lot 10 for three hundred eighty and eight one-hundredths (380.08) feet to the south right-of-way line of Franklin Street, also being the northeast corner of Lot 16, Block B of said subdivision; thence run northerly for approximately sixty (60) feet to the intersection of the southwest corner of Lot 4, Block 34 of Edison Park Subdivision (Plat Book 7, Page 28, Lee County Records), also being the north right-of-way line of Franklin Street; thence run northeasterly along said lot line and prolongation of such for one hundred sixty-four and six-tenths (164.6) feet to the northeast corner of Lot 7, Block 34 of said subdivision; thence run northwesterly for seventy-one and ninety-eight one-hundredths (71.98) feet along the northeast lot line of said lot to the southeast right-of-way line of Cortez Boulevard, also being the northeast corner of said Lot 7; thence run northeasterly along said right-of-way line for approximately one hundred sixty (160) feet; thence run northwesterly for

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approximately one hundred sixty-five (165) feet to the southwest corner of Lot 23, Block 24 of said subdivision also being the north right-of-way line of Euclid Avenue; thence run northwesterly along the west lot line of said lot for ninety-nine and ninety-seven one-hundredths (99.97) feet to the northwest corner of said lot; thence run northeasterly along the north lot line of said lot and the prolongation of such for approximately ninety (90) feet to the northeast corner of Lot 21, Block 24 of said subdivision; thence run southeasterly for approximately twenty-seven (27) feet to the southwest corner of Lot 16, Block 24 of said subdivision; thence run northeasterly along the west lot line of said lot for approximately one hundred two (102) feet to the intersection of the northwest corner of said lot and the south right-of-way line of Edison Avenue; thence run easterly along said right-of-way line for approximately nine hundred nine (909) feet to the point of beginning.

3. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by tax increment revenues within the Sub-Area 1 described in Section 2 above to April 20, 2040.

4. The 2010 Cleveland Avenue Redevelopment Plan redevelopment Sub-Area 2 boundary shall remain the same as established by Ordinance No. 2843 adopted on April 6, 1998, and described as follows:

The following described area is found lying in Lots 1-6 And Lot 16 of Block D, Coronado, Plat Book 6, Page 75, Lots 10-18 of Block A, Lot 19 and part of Lot 20 of Block A (O.R. 1761, Page 3212) Re-Subdivision of Block C and part of Block D of Coronado, Plat Book 9, Page 3, Public Records of Lee County, Florida; together with: Block E, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block H, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2798, Page 2781, and Lots 1-6 of Block J, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block 1 and 4, Palmetto Park, Plat Book 3, Page 23, Public Records of Lee County, Florida; together with: Blocks A, B, C, and D, Windsor Park, Plat Book 6, Page 18, Public Records of Lee County, Florida; together with: Block 1, South Gardens, Plat Book 4, Page 50, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 21-25 of

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Block 1, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-8, east 30 Feet of Lot 9, east 33 Feet of Lots 21, and Lots 22-35, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 3, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 4, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Block 33, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 34, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 35, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 51, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2579, Page 1012, O.R. 1364, Page 242, O.R. 1912, Page 3072, O.R. 851, Page 295, and O.R. 1669, Page 519, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2422, Page 1962, O.R. 2800, Page 3089, O.R. 2568, Page 2105, O.R. 1836, Page 2823, O.R. 2258, Page 930, O.R. 2783, Page 1252, O.R. 1853, Page 249, O.R. 1609, Page 427, and O.R. 2481, Page 2114, Public Records of Lee County, Florida; together with: The northerly 120 Feet of the westerly 143 Feet of Lot 7, James Holmes Subdivision, Plat Book 5, Page 11, as described in O.R. 2383, Page 0171, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2517, Page 1345, O.R. 1696, Page 4049, O.R. 2471, Page 756, O.R. 2136, Page 3169, and Lots 19 and 20, Maravilla Circle 1st Addition, Plat Book 9, Page 68, Public Records of Lee County, Florida; together with: A parcel of land described in OR. 2077, Page 34, Lots 3-7 and 30 feet lying between Lot 5 and Lot 6, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block E, W. Stanley Hanson's Subdivision, Plat Book 4, Page 35, a parcel of land described in O.R. 1333, Page 1100, O.R. 2557, Page 1499, O.R. 269, Page 2, and Lots 1 and 2, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block D, W. Stanley Hanson's Subdivision, Plat Book 4, Page 35, Public Records of Lee County, Florida. Subject to easements, restrictions and rights of record.

5. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by tax increment revenues within the Sub-Area 2 described in Section 4 above to April 20, 2040.

6. The 2010 Cleveland Avenue Redevelopment Plan redevelopment Sub-Area 3 boundary shall remain the same as

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established by Ordinance No. 2844 adopted on April 6, 1998, and described as follows:

A parcel of land described in O.R. 2039, Page 2851-2852, O.R. 2075, Page 4222, O.R. 2546, Page 1222, O.R. 2726, Page 353, and O.R. 2618, Page 1202, Public Records of Lee County, Florida; Together with: a parcel of land described in O.R. 2125, Page 3586, O.R. 2382, Page 3316, O.R. 605, Page 192, O.R. 683, Page 244, O.R. 2725, Page 2685, O.R. 2547, Page 3050, O.R. 2311, Page 309, O.R. 1308, Page 631, O.R. 2805, Page 2044, O.R. 1887, Page 3104-3105, O.R. 2188, Page 2509, O.R. 1999, Page 3215, O.R. 1380, Page 110, O.R. 2361, Page 2101, O.R. 107, Page 603, Lots 5-8, 10-28 and private drive of Thrifty Center Subdivision, Plat Book 10, Page 117, Public Records Of Lee County, Florida; Together with: Tracts or parcels of land bound by Winkler Avenue, Cleveland Avenue (U.S. 41, S.R. 45), Solomon Boulevard, Colonial Boulevard less tracts or parcels of land described in O.R. 1122, Page 1960, O.R. 2664, Page 507, O.R. 2572, Page 2266, and O.R. 1180, Page 1611, Public Records of Lee County, Florida; Together with: a parcel of land described in O.R. 1623, Page 349, and O.R. 428, Page 341, Public Records of Lee County, Florida. Subject to easements, restrictions and rights of record.

7. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by tax increment revenues within the Sub-Area 3 described in Section 6 above to April 20, 2040.

8. The 2010 Cleveland Avenue Redevelopment Plan redevelopment Sub-Area 4 boundary shall remain the same as established by Ordinance No. 2845 adopted on April 6, 1998, and described as follows:

A parcel of land described in O.R. 2771, Page 3312, O.R. 2694, Page 4006, O.R. 2505, Page Avenue 1441, O.R. 2356, Page 2894, O.R. 1659, Page 2940, O.R. 2374, Page 4013, O.R. 2670, Page 431, and O.R. 1424, Page 929 Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 2195, Page 4019, O.R. 1877, Page 3146, O.R. 1672, Page 4761, O.R. 1723, Page 1881, Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 2136, Page 4592, O.R. 2709, Page 4095, O.R. 1378, Page 263, O.R. 1769, Page 1542 and Page Plaza Replat, Plat Book 47, Page 38, Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 1845, Page 2534,

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O.R. 1789, Page 1445, O.R. 1352, Page 1855, O.R. 1661, Page 2197, O.R. 2373, Page 2631, O.R. 2263, Page 4083, O.R. 2802, Page 381, O.R. 1814, Page 1956, and O.R. 2590, Page 1274, O.R. 1735, Page 1718, Lots 7-17, and Lots 19-21, Dellee Park Subdivision, Plat Book 33, Page 78, Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 1751, Page 2868, O.R. 1737, Page 4596, O.R. 2354, Page 800, Lots 1-4, Katies Park, Plat Book 39, Page 28, Sun View Center Subdivision, Plat Book 56, Page 85, Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 1700, Page 1051, O.R. 2541, Page 3461, O.R. 2735, Page 1914, Public Records of Lee County, Florida; together with: a parcel of land described in O.R. 2393, Page 3487, O.R. 2545, Page 3123, O.R. 1823, Page 1033, Public Records of Lee County, Florida; together with: a parcel of land being that property owned by Lee County, Florida lying north of North Airport Road, east of U.S. 41, west of Fowler Street identified by Lee County, Florida Strap Number 01-45-24-P1-00060.0080, Public Records of Lee County, Florida. Subject to easements, restrictions and rights of record.

9. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by tax increment revenues within the Sub-Area 4 described in Section 8 above to April 20, 2040.

10. The City Council of the City of Fort Myers, Florida, hereby finds that the 2010 Cleveland Avenue Redevelopment Plan meets the requirements of Chapter 163, Part III, Florida Statutes, as amended, and specifically finds that the 2010 Cleveland Avenue Redevelopment Plan shows by diagram and in general terms the:

- (a) Approximate amount of open space to be provided and the street layout;
- (b) Limitations on the type, size, height, number, and proposed use of buildings;
- (c) Approximate number of dwelling units;
- (d) Property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature;

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- (e) Publicly funded capital projects to be undertaken within the community redevelopment area;
- (f) Adequate safeguards that the work of redevelopment will be carried out pursuant to the Plan;
- (g) Retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of Chapter 163, Part III, Florida Statutes;
- (h) Relocation strategy for any displacement of residents that could occur as a result of the Plan, however, as a general City of Fort Myers policy, relocation shall conform to uniform relocation requirements, and replacement housing shall be assured, should any unanticipated temporary or permanent displacement occur as a result of specific action of the Community Redevelopment Agency or the City of Fort Myers;
- (i) Fact that the City of Fort Myers has a commitment to the provision of affordable housing, including the creation of two redevelopment areas with a primary focus on housing affordable to low and moderate income persons and the elderly. Said areas are located immediately adjacent to the Plan area; consequently, the Plan is not intended to remedy a shortage of affordable housing in the City.
- (j) Projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the

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municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with tax increment revenues;

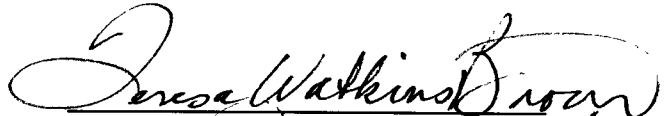
6. The Community Redevelopment Agency is hereby directed to implement the 2010 Cleveland Avenue Redevelopment Plan in accordance with its terms.

7. This resolution shall become effective immediately upon adoption.

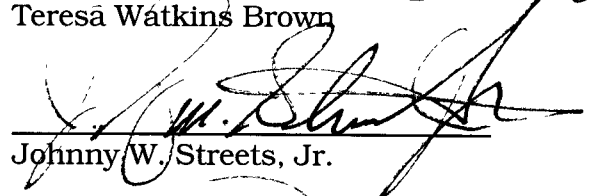
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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of December, A.D., 2010.


Aye


Teresa Watkins Brown

Aye


Johnny W. Streets, Jr.

Aye


Levon Simms


Absent

Michael Flanders

Aye

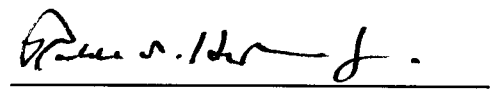

Forrest Banks

Aye

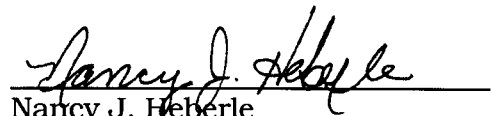

Thomas C. Leonardo
Council Members

APPROVED this 6th day of December, A.D., 2010, at 5:46 o'clock p.m.

Aye


Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 6th day of December, A.D., 2010.


Nancy J. Heberle
Deputy City Clerk

Downtown (DT):

Ordinance 2426 established the City Council shall be the governing body of the CRA and established the redevelopment area (DT)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY, ENTITLED FORT MYERS DOWNTOWN REDEVELOPMENT AGENCY; AMENDING THE TITLE THEREOF; PROVIDING THAT THE CITY COUNCIL SHALL BE THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; STATING PURPOSE AND INTENT; CONFIRMING AND RATIFYING CERTAIN PRIOR ACTIONS; PROVIDING AN AREA OF OPERATION OF THE AGENCY; DESCRIBING THREE COMMUNITY REDEVELOPMENT AREAS; REPEALING SECTION 2-55 OF THE CODE OF ORDINANCES OF THE CITY; REPEALING SECTION 50F ORDINANCE NO. 2249 OF THE CITY; THE CREATION OF THE VELASCO VILLAGE TRUST FUND; CREATING ADVISORY BOARDS TO THE AGENCY; PROVIDING FOR COOPERATION AND ASSISTANCE AMONG THE COMMUNITY REDEVELOPMENT AGENCY, THE ADVISORY BOARDS, AND THE COMMUNITY REDEVELOPMENT DEPARTMENT OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2018-40 amended the plan to include the Gardner's Park Vision Plan and extended the plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, INCORPORATING THE GARDNER'S PARK VISION PLAN ADOPTED IN CONCEPT ON DECEMBER 5, 2016, INTO THE 2010 DOWNTOWN PLAN; THE TIME CERTAIN FOR COPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES IN THE DOWNTOWN REDEVELOPMENT AREA SHALL BE NOVEMBER 18, 2044; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2010-10 adopted the amended plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, INCORPORATING THE DOWNTOWN FORT MYERS PLAN DATED APRIL 2002 PREPARED BY DUANY PLATER-ZYBERK & COMPANY ADOPTED ON APRIL 7, 2003, AND THE FORT MYERS RIVERFRONT REDEVELOPMENT MASTER PLAN PREPARED BY ACQUEST REALTY ADVISORS, INC. ADOPTED IN 2009 INTO THE 2010 DOWNTOWN PLAN; MAINTAINING THE STREETScape PLAN; THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES SHALL BE NOVEMBER 18, 2032; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2003-20 amended the downtown plan to include the Duany Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING REDEVELOPMENT PLAN FOR DOWNTOWN DATED JULY 21, 1986, BY ADOPTING A REVISED PLAN ENTITLED "DOWNTOWN FORT MYERS-APRIL 2002", APPROVING THE STREETScape PLAN AND THE SMART CODE PRINCIPLE, EXTENDING THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT INCANCED BY INCREMENT REVENUES UNTIL NOVEMBER 18, 2032, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2426

**AN ORDINANCE
To Be Entitled:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY, ENTITLED FORT MYERS DOWNTOWN REDEVELOPMENT AGENCY; AMENDING THE TITLE THEREOF; PROVIDING THAT THE CITY COUNCIL SHALL BE THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; STATING PURPOSE AND INTENT; CONFIRMING AND RATIFYING CERTAIN PRIOR ACTIONS; PROVIDING AN AREA OF OPERATION OF THE AGENCY; DESCRIBING THREE COMMUNITY REDEVELOPMENT AREAS; REPEALING SECTION 2-55 OF THE CODE OF ORDINANCES OF THE CITY; REPEALING SECTION 5 OF ORDINANCE NO. 2249 OF THE CITY; THE CREATION OF THE VELASCO VILLAGE TRUST FUND; CREATING ADVISORY BOARDS TO THE AGENCY; PROVIDING FOR COOPERATION AND ASSISTANCE AMONG THE COMMUNITY REDEVELOPMENT AGENCY, THE ADVISORY BOARDS AND THE COMMUNITY REDEVELOPMENT DEPARTMENT OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, as amended, (the "Redevelopment Act"), the City of Fort Myers, Florida, (the "City") has previously created the Neighborhood Development Agency (the "NRA"), the Fort Myers Downtown Development Agency (the "DRA") and the Velasco Village Redevelopment Agency (the "VVRA") as three separate and distinct community redevelopment agencies to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: The City Council of the City (the "City Council") now desires to consolidate the NRA, the DRA and the VVRA into one community redevelopment agency with the City Council as the governing body thereof; and

WHEREAS: The City Council desires to create and establish certain advisory boards to the Community Redevelopment Agency of the City for each of the community redevelopment areas previously designated for the NRA, the DRA and the VVRA.

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NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Council does hereby find and determine that it is in the best interest of the citizens of the City of Fort Myers that redevelopment activities pursuant to the Redevelopment Act be carried out within the City by and through one community redevelopment agency. The City Council does further find that Section 163.357(1)(a), Florida Statutes (1985), permits and authorizes the City Council, as the governing body of the City, to designate itself as the community redevelopment agency in the City, known as the Community Redevelopment Agency of the City of Fort Myers, Florida (the "Agency"), created pursuant to the Redevelopment Act, and that by the adoption of its Resolution No. 87-46 on September 9, 1987, the City Council has designated itself as the Agency and is the governing body thereof. The City Council does further find that it will be beneficial to the Agency and will be in the best interests of the citizens of the City residing in, engaging in business in owning property in the three community redevelopment areas previously designated for the NRA, the DRA and the VVRA that citizen advisory boards for each such area be created and established to provide a means for advising the Agency on redevelopment within those areas of the City.

SECTION 2. The City Council does hereby declare and state that the purpose and intent of this ordinance is to implement the action taken by the City Council in adopting Resolution No. 87-46 by making such amendments and revisions to Chapter 2, Article VI of the Code of Ordinances of the City as may be necessary to effectuate the City Council's intent and desire to have only one community redevelopment agency in the City and to create and establish advisory boards to advise that Agency as to community redevelopment within the City.

SECTION 3. The City Council does hereby ratify any and all actions previously taken by the governing bodies, officers and

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employees of the NRA, the DRA and the VVRA, and the City Council, as the Agency by virtue of having adopted Resolution No. 87-46 pursuant to Section 163.357(1)(a), Florida Statutes (1985), is and does acknowledge that it is subject to all of the responsibilities and liabilities imposed or incurred by the prior agencies and all rights, powers, duties, privileges and immunities that were vested in the prior agencies are now vested in the City Council as the Agency, subject to all responsibilities and liabilities imposed or incurred; provided, however, that nothing herein is intended or shall be deemed to prohibit the City Council, acting in its capacity as the governing body of the Agency, from reviewing, revoking, reversing or otherwise changing any action, policy, contract, agreement, program, activity, instrument, or other matter approved or implemented by any prior agency to the extent not prohibited by law.

SECTION 4. Subsections (a) and (b) of Section 2-52 of the Code of Ordinances of the City are amended to read:

(a) The City Council does hereby create and establish a community redevelopment agency of the City of Fort Myers with the responsibility and duty to carry out the redevelopment of the area located within the City described in Section 2-53.

(b) Pursuant to Section 163.357, Florida Statutes, the City Council hereby designates itself to be the governing body of the community redevelopment agency, created and established pursuant to Part III, Chapter 163, Florida Statutes. All the rights, powers, privileges, duties and immunities of a community redevelopment agency provided by Part III, Chapter 163, Florida Statutes, are vested in and may be exercised by the community redevelopment agency.

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SECTION 5. Section 2-53 of the Code of Ordinances of the City is amended to read:

Section 2-53. Name and Purpose.

(a) There is hereby created and established pursuant to Part III, Chapter 163, Florida Statutes, a community redevelopment agency known as the Community Redevelopment Agency of the City of Fort Myers, Florida (hereinafter referred to as the "Agency").

(b) The purpose of the Agency is to carry out redevelopment within the City in the Community Redevelopment Areas described in subsection (c) to the extent permitted by applicable law, including but not limited to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act").

(c) The community redevelopment area of the Agency consists of three areas located within the corporate limits of the City which evidence conditions of a slum or blighted area, or both, as those terms are defined in the Redevelopment Act and which have been found by the City Council to contain those conditions:

(1) Area 1. Beginning at the intersection of the east right-of-way line of Palm Avenue and the south right-of-way line of Market Street extended; thence, westerly along the south right-of-way line of Market Street to the east right-of-way line of Central Avenue; thence southerly along said line to the south right-of-way line of Hoople Street extended; thence, westerly along said right-of-way line and said line extended to the west right-of-way line of Heitman Street;

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thence, northerly along said right-of-way line to the north right-of-way line of Anderson Avenue; thence, easterly along said line to the southeast right-of-way line of Second Street; thence, northeasterly along said right-of-way line for a distance of approximately 145 feet to a property line; thence, southeasterly along said property line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line for a distance of approximately 225 feet to a property line extended; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Broadway; thence, southeasterly along said right-of-way line for a distance of approximately 85 feet to a property line, thence, northeasterly along said property line for a distance of approximately 90 feet to a property line; thence, southeasterly along said property line for a distance of approximately 60 feet to a property line; thence northeasterly along said property line and said property line extended to the northeast right-of-way line of Hendry Street; thence, southeasterly along said right-of-way line for a distance of approximately 130 feet to a property line; thence, northeasterly along said property line for a distance of approximately 130 feet to the northeast right-of-way line of an unnamed alley; thence southeasterly along said right-of-way line for a distance of

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approximately 50 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Jackson Street; thence, southeasterly along said right-of-way line for a distance of approximately 25 feet to a property line; thence, northeasterly along said property line for a distance of approximately 200 feet to a property line; thence, southeasterly along said property line for a distance of approximately 145 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Lee Street; thence, southeasterly along said right-of-way line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line to the southeast right-of-way line of Thompson Street; thence, northeasterly along said right-of-way line for a distance of approximately 185 feet to a property line; thence, southerly along said property line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line for a distance of approximately 590 feet to a property line; thence, northerly along said property line for a distance of approximately 100 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Fowler Street; thence, southeasterly along said right-of-way line for a distance of

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approximately 100 feet to a property line; thence, easterly along said property line for a distance of approximately 120 feet to a property line; thence, southeasterly along said property line for a distance of approximately 10 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Hough Street; thence, southeasterly along said right-of-way line for a distance of approximately 100 feet to a property line; thence, northeasterly along said property line for a distance of approximately 150 feet to a property line; thence, southeasterly along said property line for a distance of approximately 110 feet to a property line; thence, northeasterly along said property line and said property line extended to the intersection of the east right-of-way line of Evans Avenue and a property line; thence, easterly along said property line, which is the rear lot line of properties fronting on the north side of Anderson Avenue, to the east right-of-way line of Palm Avenue; thence, southwesterly along said right-of-way line to the south line of Market Street extended, which is the point of beginning.

- (2) *Area 2. Beginning at the intersection of the centerline of the thread of Bill's Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, run southeasterly and southerly along said centerline of said Creek*

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for 340 feet, more or less, to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, Page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet, more or less, to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet, more or less to an intersection with the east line of Evans Avenue; thence run southerly along said easterly line for 2,610 feet, more or less to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plat Book 2, Page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet, more or less, to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, Page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet, more or less to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet, more or less to an intersection with the

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south line of Victoria Avenue; thence run westerly along said southerly line of a westerly prolongation thereof for 3,900 feet, more or less to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwesterly line of Altamont Avenue for 57 feet, more or less to an intersection with the southeasterly line of McGregor Boulevard; thence run southwesterly along said southeasterly line for 1,185 feet, more or less to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet, more or less to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5,530 feet, more or less to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northwesterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Route No. 45; thence run northeasterly along said Limit; perpendicular to an passing through a point on said centerline at 300 feet for 600 feet; thence run northwesterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northwesterly along said Limit

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(perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet, more or less to an intersection with the northeast limit of City ownership or submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet, more or less to said centerline of Billy's Creek; thence run southeasterly along said centerline for 530 feet, more or less to the Point of Beginning.

- (3) Area 3. A tract or parcel of land lying in the southeast quarter (SE $\frac{1}{4}$) of Section 13, Township 44 South, Range 24 East and in the southwest quarter (SW $\frac{1}{4}$) of Section 18, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the centerline of Evans Avenue (50 feet wide) with a westerly prolongation of the northerly line of the alley (10 feet wide) in Block 4, Evans Addition to Fort Myers as shown on plat recorded in Plat Book 1 at Page 29, Lee County records run easterly along said prolongation and said northerly line to the westerly line of Cranford Avenue (60 feet wide); thence continue easterly to the southwest corner of Lot 25, Block 3, said Evans Addition; thence run easterly along the northerly line of the alley (10 feet wide) in said Block 3 and an easterly prolongation thereof to an intersection with the easterly

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line of Palm Avenue (60 feet wide); thence run southerly along said easterly line to an intersection with the northerly line of the southwest quarter (SW $\frac{1}{4}$) of Government Lot 3, said Section 18; thence run easterly along said northerly line and the northerly line of G.V. Johnson's Diagram recorded in Plat Book 2 at page 9, Lee County records to the northeast corner of Block 1 in said Diagram; thence run southerly along the easterly line of said Block 1 to the northerly line of Indian Street (37 feet wide); thence run easterly along said northerly line to an intersection with the northerly prolongation of the easterly line of Velasco Street (50 feet wide) as shown on plat of Kinzie Court recorded in Plat book 8 at page 77, Lee County records; thence run southerly along said easterly line and the easterly line of Velasco Street (30 feet wide) beginning at the westerly line of Block 4, Knight's Extension as shown on plat recorded in Plat Book 2 at page 2, Lee County records and a southerly prolongation thereof to an intersection with a southerly line of Blount Street as shown on said plat of Knight's Extension; thence run easterly along said southerly line to the northwest corner of Block 6, Knight's Extension; thence run southerly along the westerly line of said Block 6 and the easterly line of an alley (20 feet wide) to the southwest corner of Lot 9, said Block 6, thence run westerly to the southeast corner of Lot 9, Block 3, said

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Knight's Extension; thence continue westerly along the southerly line of said Lot 9 to the east line of Velasco Street (60 feet wide); thence continue westerly to the southeast corner of Lot 9, Block 2, said Knight's Extension; thence continue westerly along the southerly line of said Lot 9 to the southwest corner of said lot on the east line of an alley (20 feet wide); thence run westerly to the southeast corner of Lot 9, Block 1, Knight's Extension; thence run westerly along the southerly line of said Lot 9 to the easterly line of Knight Street (60 feet wide); thence run westerly to the southeast corner of Lot 8, Blount's Addition as shown on plat recorded in Plat Book 1 at page 58, Lee County records; thence run westerly along the southerly line of said Lot 8 and the southerly line of Lot 7 in said Blount's Addition to said easterly line of Palm Avenue (60 feet wide); thence run westerly to the northeast corner of Lot 48, Block 13, said Evans Addition; thence run westerly along the southerly line of the alley (10 feet wide) in said Block 13 to the easterly line of said Cranford Avenue (60 feet wide); thence run westerly across said Cranford Avenue to the northeast corner of Lot 24, Block 14 said Evans Addition; thence run westerly along the southerly line of the alley (10 feet wide) in said Block 14 and the westerly prolongation thereof to said centerline of Evans Avenue;

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*thence run northerly along said centerline to
the Point of Beginning.*

SECTION 6. Section 2-54 of the Code of Ordinances of the
City is hereby amended to read:

*Section 2-54. Redevelopment Trust Fund for
Area 2.*

*(a) There is hereby established in
accordance with the provision of Section 163.387,
Florida Statutes, a redevelopment trust fund for
Area 2, also known as the downtown
redevelopment area, which fund is hereinafter
referred to as the "Downtown Trust Fund". The
Director of Finance of the City is hereby
appointed and designated to administer the
Downtown Trust Fund on behalf of the Agency
and is authorized and directed to maintain and
administer the Downtown Trust Fund in
accordance with applicable laws, ordinance,
resolutions and directives of the Agency. The
monies allocated to and deposited into the
Downtown Trust Fund are hereby appropriated to
and may only be used by the Agency to pay the
costs of and to finance the undertakings of the
Agency to carry out redevelopment within Area 2.*

*(b) There shall be annually paid into the
Downtown Trust Fund, an amount not less than
that increment in the income, proceeds, revenues
and funds derived from or held in connection with
its undertaking and carrying out of community
redevelopment. Such increment shall be
determined annually and shall be that amount
equal to ninety-five (95) percent of the difference
between:*

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(1) *The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 2; and*

(2) *The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 2 as shown upon the most recent interim assessment roll of taxable real property in Area 2, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to September 17, 1984.*

(c) *The Agency shall annually receive and deposit into the Downtown Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.*

(d) *Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Downtown Trust Fund shall commence as of September 17, 1984 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 2, if any, and any*

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interest thereon incurred by the Agency have been paid.

(e) The funding of the Downtown Trust Fund shall continue for the duration of the Fort Myers Plan, the community redevelopment plan for Area 2.

SECTION 7. Section 2-55 of the Code of Ordinances of the City is hereby deleted and a new Section 2-55 Redevelopment Trust Fund for Area 3 is hereby created to read:

Section 2-55. Redevelopment Trust Fund for Area 3.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 3, also known as the Velasco Village redevelopment area, which fund is hereinafter referred to as the "Velasco Village Trust Fund". The Director of Finance of the City is hereby appointed and designated to administer the Velasco Village Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Velasco Village Trust Fund in accordance with applicable laws, ordinance, resolutions and directives of the Agency. The monies allocated to and deposited into the Velasco Village Trust Fund are hereby appropriated to and may only be used by the Agency to pay the costs of and to finance the undertaking of the Agency to carry out redevelopment within Area 3.

(b) There shall be annually paid into the Velasco Village Trust Fund, an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out

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of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

(1) The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 3; and

(2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 3 as shown upon the most recent interim assessment roll of taxable real property in Area 3, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to September 22, 1987.

(c) The Agency shall annually receive and deposit into the Velasco Village Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purpose of this article, "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Velasco Village Trust Fund shall commence on

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September 22, 1987, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 3, if any, and any interest thereon incurred by the Agency have been paid.

(e) The funding of the Velasco Village Trust Fund shall continue to the extent permitted by the Redevelopment Act for the duration of the community redevelopment plan adopted by the Agency and the City Council for Area 3, including any amendments to such plan.

SECTION 8. Section 2-56 of the Code of Ordinances of the City is hereby created to read:

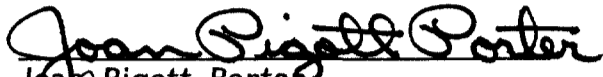
Section 2-56. Advisory Boards.

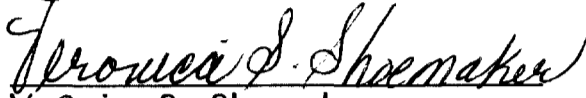
There is hereby created a citizens advisory board composed of residents of Fort Myers, Florida, for each of the Community Redevelopment Areas described in Section 2-53, which board shall advise the Agency on redevelopment within its Community Redevelopment Area. The members of such board shall be in such numbers and shall be appointed and shall provide such services as are determined by the Agency.

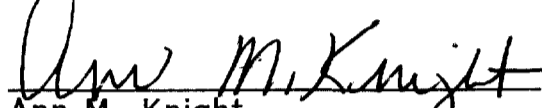
SECTION 9. This ordinance shall become effective on November 22, 1987.

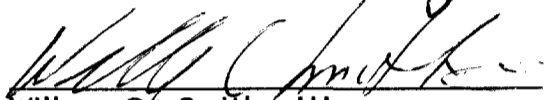
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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 14 day of Nov, A.D., 1987.


Joan Pigott Porter



Veronica S. Shoemaker


Ann M. Knight


Wilbur C. Smith, III


Paul B. Henderson
Council Members

APPROVED this 16 day of Nov, A.D., 1987, at 8:14 o'clock p.m.


Arthur N. Hamel, Mayor

FILED in the Office of the City Clerk this 16 day of Nov, 1987.


M.W. Matz, City Clerk

RESOLUTION NO. 2018-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, INCORPORATING THE GARDNER'S PARK VISION PLAN ADOPTED IN CONCEPT ON DECEMBER 5, 2016 INTO THE 2010 DOWNTOWN PLAN; THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES IN THE DOWNTOWN REDEVELOPMENT AREA SHALL BE NOVEMBER 18, 2044; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: City Council created the Downtown Redevelopment Area on September 4, 1984; and

WHEREAS: Based on evidence presented to the City Council at public meetings and incorporated into the minutes of Council meetings, the area in the City of Fort Myers more fully described in Section 2 below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The City Council adopted the Fort Myers Downtown Plan on July 21, 1986, to guide the redevelopment of the area; and

WHEREAS: The City Council adopted and amended Downtown Fort Myers Plan dated April 2002 prepared by Duany Plater-Zyberk & Company on April 7, 2003, to guide the redevelopment of the area; and

WHEREAS: The Fort Myers Community Redevelopment Agency, on February 24, 2010, reviewed a Fort Myers Riverfront Redevelopment Master Plan dated August 2009 prepared by the Acquest Team comprised of Acquest Realty Advisors, Inc., Boom Partners, Populous, and Parker/Mudgett/Smith Architects, Inc., and incorporated it into the Downtown Fort Myers Plan adopted April 7, 2003, to create the 2010 Downtown Plan, and recommended approval to City Council; and

WHEREAS: City Council adopted the 2010 Downtown Plan dated August 2009 on April 19, 2010, to guide the redevelopment of the district, after proper public notice was given in the *Fort Myers News-Press* and after proper public notice of amending and incorporating the Downtown Fort Myers Plan dated April 2002 prepared by Duany Plater-Zyberk & Company adopted on April 7, 2003, and the Fort Myers Riverfront Redevelopment Master Plan prepared by the Acquest Team adopted in 2009 was given

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to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area; and

WHEREAS: At the request of property and business owners in the Gardner's Park neighborhood located in the Downtown Redevelopment Area, the Community Redevelopment Agency initiated a planning effort to create a neighborhood vision and implementation strategy for the Gardner's Park neighborhood; and

WHEREAS: The Gardner's Park Vision Plan prepared by EnSite, Inc., which includes input from the August 8, 2016 public meeting, emphasizes infill development at a moderately increased density to accommodate innovative types of urban housing while maintaining the character of the neighborhood; and

WHEREAS: The Gardner's Park Vision Plan was adopted in concept by the City Council on December 15, 2016; and

WHEREAS: The Community Redevelopment Agency and the City Council determined in 2018 there was a need to amend the 2010 Downtown Plan to incorporate the Gardner's Park Vision Plan and extend the date by which all redevelopment financed by increment revenues within the Downtown Plan is to be completed to 2044; and

WHEREAS: Kimley-Horn and Associates, Inc. then prepared the 2018 Downtown Plan dated July 2018, which incorporates the Gardner's Park Vision Plan into the 2010 Downtown Plan; and

WHEREAS: The 2018 Downtown Plan dated July 2018 was reviewed by the Community Redevelopment Agency Advisory Board and the Community Redevelopment Commission on July 12, 2018 and July 25, 2018, respectively, after proper public notice was given, and each recommended approval to City Council; and

WHEREAS: The 2018 Downtown Plan dated July 2018 was also reviewed at the Gardner's Park Community Meeting held on July 25, 2018; and

WHEREAS: The 2018 Downtown Plan dated July 2018 was reviewed by the City of Fort Myers Planning Board on August 1, 2018, after proper public notice was given, and the City of Fort Myers Planning Board recommended approval to City Council after finding that the 2018 Downtown Plan is consistent with the City's Comprehensive Plan; and

WHEREAS: The City Council reviewed the 2018 Downtown Plan dated July 2018 on August 20, 2018 and September 4, 2018, after proper public notice was given in the *Fort Myers News-Press*, and adopted same on September 4, 2018; and

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WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The 2018 Downtown Plan, hereafter referred to as the Plan, is hereby adopted as the amended redevelopment plan for the area described below. The 2018 Downtown Plan is on file in the City Clerk's Office.
2. The 2010 Downtown Plan redevelopment area boundary shall remain the same as established by Ordinance No. 2426 adopted on November 16, 1987, and further described as follows:

Beginning at the intersection of the centerline of the thread of Billy Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida run southeasterly and southerly along said centerline of said Creek for 340 feet, more or less, to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, Page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet, more or less, to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet, more or less, to an intersection with the east line of Evans Avenue; thence run southerly along said easterly line for 2,610 feet, more or less, to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plat Book 2, Page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet, more or less, to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, Page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet, more or less, to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet, more or less, to an intersection with the south line of Victoria Avenue; thence run westerly along said southerly line and a westerly prolongation thereof for 3,900 feet, more or less, to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwest line of Altamont Avenue for 57 feet, more or less, to an intersection with the southeasterly line of McGregor Boulevard; thence run southwest along said southeasterly line for 1,185 feet, more or less, to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet, more or less, to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5,530 feet, more or less, to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northeasterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwest from the centerline of State Road No. 45; thence run northeasterly along said Limit,

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perpendicular to and passing through a point on said centerline at 300 feet, for 600.0 feet; thence run northeasterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northeasterly along said Limit (perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet, more or less, to an intersection with the northeast limit of City ownership of submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet, more or less, to said centerline of Billy Creek; thence run southeasterly along said centerline for 530 feet, more or less, to the Point of Beginning.

3. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to maintain the time certain set forth for completing all redevelopment financed by increment revenues within the boundaries of the Downtown Redevelopment Area as originally established and as further described in Section 2 above. Said date shall be November 18, 2044.

4. The City Council of the City of Fort Myers, Florida, hereby finds that the 2018 Downtown Plan meets the requirements of Chapter 163, Part III, Florida Statutes, as amended, and specifically finds that the 2018 Downtown Plan shows by diagram and in general terms the:

- (a) The activities proposed for the Gardner's Park neighborhood;
- (b) A framework for the preparation of a Gardner's Park community redevelopment plan; and
- (c) The land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the Gardner's Park neighborhood contemplated for clearance and redevelopment.

5. The Community Redevelopment Agency is hereby directed to implement the 2010 Downtown Plan in accordance with its terms.

6. This resolution shall become effective immediately upon adoption.

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 4th day of September, 2018.

Aye Teresa Watkins Brown
Teresa Watkins Brown

Aye Johnny W. Streets, Jr.
Johnny W. Streets, Jr.

Aye Terolyn P. Watson
Terolyn P. Watson

Aye Laston D. Bochette, III
Laston D. Bochette, III

Aye Fred Burson
Fred Burson

Aye Gaile H. Anthony
Gaile H. Anthony
Council Members

APPROVED this 4th day of September, 2018.

Aye Randall P. Henderson, Jr.
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 4th day of September, 2018.

Mary Hagemann
Mary Hagemann
Deputy City Clerk



RESOLUTION NO. 2003-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING REDEVELOPMENT PLAN FOR DOWNTOWN DATED JULY 21, 1986, BY ADOPTING A REVISED PLAN ENTITLED "DOWNTOWN FORT MYERS - APRIL 2002", APPROVING THE STREETScape PLAN AND THE SMART CODE IN PRINCIPLE, EXTENDING THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES UNTIL NOVEMBER 18, 2032, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: The City Council created the Downtown Redevelopment District on September 4, 1984; and

WHEREAS: Based on evidence presented to the City Council at public meetings and incorporated into the minutes of Council meetings, the area in the City of Fort Myers more fully described in Section 2 below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The City Council adopted the Fort Myers Downtown Plan on July 21, 1986, to guide the redevelopment of the district; and

WHEREAS: The Community Redevelopment Agency and the City Council in 2001, determined that there was a need for an amended downtown plan, and as a result, hired the firm of Duany Plater-Zyberk and Company to prepare an amended plan; and

WHEREAS: The amended Downtown Plan, Streetscape Plan, and SmartCode were presented to the City Council on April 22, 2002, whereby they were adopted in principle; and

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WHEREAS: The City of Fort Myers Planning Board reviewed said Plan, Streetscape Plan, and SmartCode on October 9, 2002, and recommended approval; and

WHEREAS: The Community Redevelopment Agency reviewed said Plan, Streetscape Plan, and SmartCode on October 28, 2002, and recommended approval; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Community Redevelopment Plan entitled "Downtown Fort Myers - April 2002" and the accompanying appendices, hereafter referred to as the "Plan", is hereby adopted as the amended redevelopment plan for the area described below. Said Plan and accompanying appendices are on file in the City Clerk's Office.

2. The Streetscape Plan and Smart Code are hereby approved in principle.

3. The "Plan" redevelopment area boundaries shall remain the same as those established on July 21, 1986, and are described as follows:

Beginning at the intersection of the centerline of the thread of Billy's Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida run southeasterly and southerly along said centerline of said Creek for 340 feet more or less to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet more or less to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet more or less to an intersection with the east line of Evans Avenue; thence run

RESOLUTION NO. 2003-20

southerly along said easterly line for 2,610 feet more or less to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plate Book 2, page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet more or less to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet more or less to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet more or less to an intersection with the south line of Victoria Avenue; thence run westerly along said southerly line and a westerly prolongation thereof for 3,900 feet more or less to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwesterly line of Altamont Avenue for 57 feet more or less to an intersection with the southeasterly line of McGregor Boulevard; thence run southwesterly along said southeasterly line for 1,185 feet more or less to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet more or less to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5530 feet more or less to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northeasterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Road No. 45; thence run northeasterly along said Limit, perpendicular to and passing through a point on said centerline at 300 feet, for 600.0 feet; thence run northeasterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northeasterly along said Limit (perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet more or less to an intersection with the northeast limit of City ownership of submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet more or less to said centerline of Billy's Creek; thence run southeasterly along said centerline for 530 feet more or less to the Point of Beginning.

3. The City Council of the City of Fort Myers, Florida hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by increment revenues within the area described in Section 2 above. Said date shall be

RESOLUTION NO. 2003-20

extended to November 18, 2032, which is thirty (30) years from the date of adoption of this amended plan, as permitted by s. 163.362(10), Florida Statutes.

4. The City Council of the City of Fort Myers, Florida hereby finds that the "Plan" meets the requirements of Chapter 163, Part III, Florida Statutes, as amended, and specifically finds that:

- (a) The "Plan" shows by diagram and in general terms those specific plan requirements set forth in s. 163.362(2), Florida Statutes, including open space, street layout, building limitations, dwelling units, and other public improvements.
- (b) The "Plan" identifies publicly funded capital projects to be undertaken.
- (c) Adequate safeguards exist that the work of redevelopment will be carried out pursuant to the "Plan".
- (d) No displacement of residents is anticipated as a result of the "Plan", however, as a general policy, relocation shall conform to uniform relocation requirements, and replacement housing shall be assured, should any unanticipated temporary or permanent displacement occur as a result of specific action of the Community Redevelopment Agency or the City of Fort Myers.
- (e) The "Plan" provides for the retention of controls and establishment of restrictions on land sold or leased for private use.
- (f) The City of Fort Myers has a commitment to the provision of affordable housing, including the creation of two redevelopment areas with a primary focus on housing affordable to low and moderate income persons and the elderly. Said areas are located immediately adjacent to the

RESOLUTION NO. 2003-20


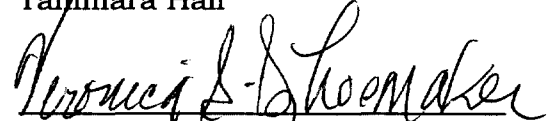
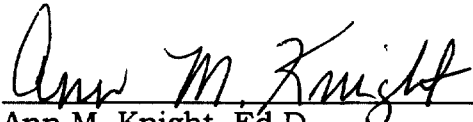

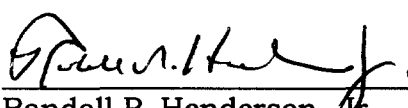
“Plan” area; consequently, the “Plan” is not intended to remedy a shortage of affordable housing in the City.

5. The Community Redevelopment Agency is hereby directed to carry out the “Plan” in accordance with its terms.

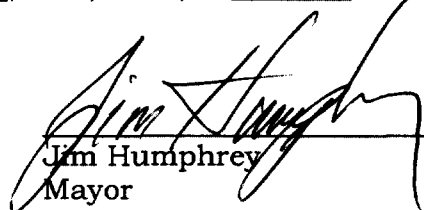
6. This resolution shall become effective immediately upon adoption.

RESOLUTION NO. 2003-20

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 7th day of April, A.D., 2003.

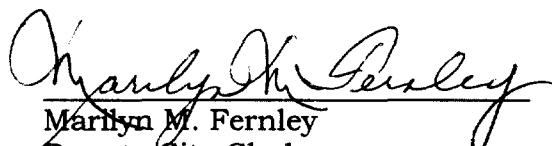
<u>YEA</u>	 _____ Tammara Hall
<u>YEA</u>	 _____ Veronica S. Shoemaker
<u>YEA</u>	 _____ Ann M. Knight, Ed.D.
<u>YEA</u>	 _____ Michael Flanders
<u>YEA</u>	 _____ Randall P. Henderson, Jr. Council Members

APPROVED this 7th day of April, A.D., 2003, at 9:10 o'clock p.m.



Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 7th day of April, A.D., 2003.



Marilyn M. Fernley
Deputy City Clerk

RESOLUTION NO. 2010-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, INCORPORATING THE DOWNTOWN FORT MYERS PLAN DATED APRIL 2002 PREPARED BY DUANY PLATER-ZYBERK & COMPANY ADOPTED ON APRIL 7, 2003, AND THE FORT MYERS RIVERFRONT REDEVELOPMENT MASTER PLAN PREPARED BY ACQUEST REALTY ADVISORS, INC. ADOPTED IN 2009 INTO THE 2010 DOWNTOWN PLAN; MAINTAINING THE STREETScape PLAN; THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES SHALL BE NOVEMBER 18, 2032; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: City Council created the Downtown Redevelopment District on September 4, 1984; and

WHEREAS: Based on evidence presented to the City Council at public meetings and incorporated into the minutes of Council meetings, the area in the City of Fort Myers more fully described in Section 2 below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The City Council adopted the Fort Myers Downtown Plan on July 21, 1986, to guide the redevelopment of the district; and

WHEREAS: The Community Redevelopment Agency and the City Council in 2001, determined that there was a need for an amended downtown plan, and as a result, hired the firm of Duany Plater-Zyberk & Company to prepare an amended plan; and

WHEREAS: The amended Downtown Fort Myers Plan, Streetscape Plan, and SmartCode were presented to City Council on April 22, 2002, and adopted in principle; and

RESOLUTION NO. 2010-10

WHEREAS: The City of Fort Myers Planning Board reviewed said amended Downtown Fort Myers Plan, Streetscape Plan, and SmartCode on October 9, 2002, and January 15, 2003, and recommended approval; and

WHEREAS: The City Council adopted the Downtown Fort Myers Plan dated April 2002 on April 7, 2003, to guide the redevelopment of the district; and

WHEREAS The Community Redevelopment Agency and the City Council in 2008, determined there was a need for an amended downtown plan, and as a result hired the firm of Acquest Realty Advisors, Inc. who formed the Acquest Team that included Boorn Partners, Populous, and Parker/Mudgett/Smith Architects, Inc. to prepare an amended plan; and

WHEREAS The Acquest Team prepared the Fort Myers Riverfront Redevelopment Master Plan, dated August 2009, to provide an alternative for the geographic area between the Caloosahatchee River Bridge and the Edison Bridge, between Bay Street and the Caloosahatchee River, which was presented to City Council on August 31, 2009, and September 8, 2009, whereby the Fort Myers Riverfront Redevelopment Master Plan dated August 2009 was adopted in principle; and

WHEREAS: The City of Fort Myers Planning Board, on February 3, 2010, after proper public notice was given in The News-Press, reviewed said Fort Myers Riverfront Redevelopment Master Plan dated August 2009 for the geographic area between the Caloosahatchee River Bridge and the Edison Bridge, between Bay Street and the Caloosahatchee River, as it was incorporated into the Downtown Fort Myers Plan adopted April 7, 2003, for the entire Downtown Redevelopment Area, to create the 2010 Downtown Plan, and found the

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2010 Downtown Plan to be consistent with the City's Comprehensive Plan; and

WHEREAS: The Fort Myers Community Redevelopment Agency, on February 24, 2010, reviewed said Fort Myers Riverfront Redevelopment Master Plan dated August 2009, as it was incorporated into the Downtown Fort Myers Plan adopted April 7, 2003, to create the 2010 Downtown Plan, and recommended approval to City Council; and

WHEREAS: City Council adopted the 2010 Downtown Plan on April 19, 2010, to guide the redevelopment of the district, after proper public notice was given in The News-Press and after proper public notice of amending and incorporating the Downtown Fort Myers Plan dated April 2002 prepared by Duany Plater-Zyberk & Company adopted on April 7, 2003, and the Fort Myers Riverfront Redevelopment Master Plan prepared by Acquest Advisors Realty, Inc. adopted in 2009 was given to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The 2010 Downtown Plan, hereafter referred to as the Plan, is hereby adopted as the amended redevelopment plan for the area described below. The 2010 Downtown Plan is on file in the City Clerk's Office.

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2. The Streetscape Plan remains in effect, as approved in April 2003.

3. The 2010 Downtown Plan redevelopment area boundary shall remain the same as established by Ordinance No. 2426 adopted on November 16, 1987, and described as follows:

Beginning at the intersection of the centerline of the thread of Billy Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida run southeasterly and southerly along said centerline of said Creek for 340 feet, more or less, to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, Page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet, more or less, to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet, more or less, to an intersection with the east line of Evans Avenue; thence run southerly along said easterly line for 2,610 feet, more or less, to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plat Book 2, Page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet, more or less, to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, Page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet, more or less, to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet, more or less, to an intersection with the south line of Victoria Avenue; thence run westerly along said southerly line and a westerly prolongation thereof for 3,900 feet, more or less, to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwest line of Altamont Avenue for 57 feet, more or less, to an intersection with the southeasterly line of McGregor Boulevard; thence run southwestly along said southeasterly line for 1,185 feet, more or less, to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet, more or less, to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5,530 feet, more or less, to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northeasterly along said Limit 5,464.19 feet to an

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intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Road No. 45; thence run northeasterly along said Limit, perpendicular to and passing through a point on said centerline at 300 feet, for 600.0 feet; thence run northeasterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northeasterly along said Limit (perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet, more or less, to an intersection with the northeast limit of City ownership of submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet, more or less, to said centerline of Billy Creek; thence run southeasterly along said centerline for 530 feet, more or less, to the Point of Beginning.

4. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to maintain the time certain set forth for completing all redevelopment financed by increment revenues within the area described in Section 3 above. Said date shall be November 18, 2032.

5. The City Council of the City of Fort Myers, Florida, hereby finds that the 2010 Downtown Plan meets the requirements of Chapter 163, Part III, Florida Statutes, as amended, and specifically finds that the 2010 Downtown Plan shows by diagram and in general terms the:

- (a) Approximate amount of open space to be provided and the street layout;
- (b) Limitations on the type, size, height, number, and proposed use of buildings;
- (c) Approximate number of dwelling units;
- (d) Property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature;

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- (e) Publicly funded capital projects to be undertaken within the community redevelopment area;
- (f) Adequate safeguards that the work of redevelopment will be carried out pursuant to the Plan;
- (g) Retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of Chapter 163, Part III, Florida Statutes;
- (h) Relocation strategy for any displacement of residents that could occur as a result of the Plan, however, as a general City of Fort Myers policy, relocation shall conform to uniform relocation requirements, and replacement housing shall be assured, should any unanticipated temporary or permanent displacement occur as a result of specific action of the Community Redevelopment Agency or the City of Fort Myers;
- (i) Fact that the City of Fort Myers has a commitment to the provision of affordable housing, including the creation of two redevelopment areas with a primary focus on housing affordable to low and moderate income persons and the elderly. Said areas are located immediately adjacent to the Plan area; consequently, the Plan is not intended to remedy a shortage of affordable housing in the City.
- (j) Projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the

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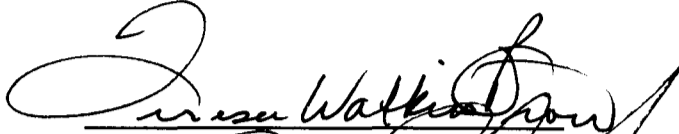
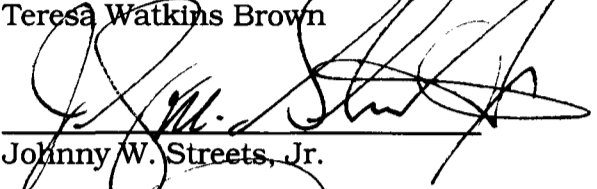
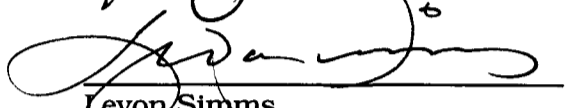
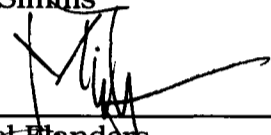
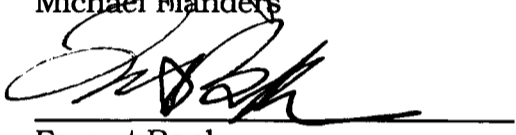
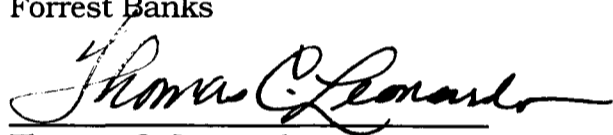
municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues;

6. The Community Redevelopment Agency is hereby directed to implement the 2010 Downtown Plan in accordance with its terms.

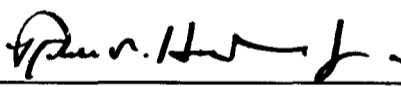
7. This resolution shall become effective immediately upon adoption.

RESOLUTION NO. 2010-10


PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 19th day of April, A.D., 2010.

<u>Aye</u>	 Teresa Watkins Brown
<u>No</u>	 Johnny W. Streets, Jr.
<u>Aye</u>	 Levon Simms
<u>Aye</u>	 Michael Blanders
<u>Aye</u>	 Forrest Banks
<u>Aye</u>	 Thomas C. Leonardo Council Members

APPROVED this 19th day of April, A.D., 2010, at 7:24 o'clock p.m.

<u>Aye</u>	 Randall P. Henderson, Jr. Mayor
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FILED in the Office of the City Clerk this 19th day of April, A.D., 2010.

 Marie Adams, MMC City Clerk
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Dr. Martin Luther King Jr. Blvd. (MLK):

Ordinance 2946 created the MLK 1 area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222 (C)(10) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 1 AND CREATING SECTION 2-232 REDEVELOPMENT TRUST FUND FOR AREA 10; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2947 created the MLK 2 area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222 (C)(11) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 2 AND CREATING SECTION 2-233 REDEVELOPMENT TRUST FUND FOR AREA 11; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2948 created the MLK 3 area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222 (C)(12) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 3 AND CREATING SECTION 2-234 REDEVELOPMENT TRUST FUND FOR AREA 12; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2949 created the MLK 4 area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222 (C)(13) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 4 AND CREATING SECTION 2-235 REDEVELOPMENT TRUST FUND FOR AREA 13; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 3454 combined all the areas into 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT, SECTION 26-41, DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 1 TRUST FUND FOR AREA 9; SECTION 26-42 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 2 TRUST FUND FOR AREA 10; SECTION 26-43 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 3 TRUST FUND FOR AREA 11; AND SECTION 26-44 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 4 TRUST FUND FOR AREA 12 BY CONVERTING EACH OF THE TRUST FUNDS INTO AN ACCOUNT IN A COMBINED TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 3392 created the MLK, VSSB plan

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, GROWTH MANAGEMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, BY CREATING SECTION 118-549 DR. MARTIN LUTHER KING JR AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN INTERIM DEVELOPMENT APPROVAL PROCESS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 3727 created an overlay district

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE 4, OVERLAY DISTRICTS, SECTION 118.4.4 RESERVED FOR DR. MARTIN LUTHER KING JR. BOULEVARD BY RENAMING TO DR. MARTIN LUTHER KING JR. BOULEVARD AND VERONICA S. SHOEMAKER BOULEVARD, AND CREATING OVERLAY DISTRICT REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2018-46 amended boundary and extended the plan date

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, APPROVING THE DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT AREA EXPANSION AND THE 2018 DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN UPDATE WITH A COMPLETION DATE OF JANUARY 20, 2044 FOR REDEVELOPMENT FINANCED BY INCREMENT REVENUES; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2007-29 Dunbar amendment to MLK

A RESOLUTION OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN AND THE DUNBAR-MICHIGAN AREA REDEVELOPMENT PLAN ADDENDUM, AS THE REDEVELOPMENT PLAN FOR THE DUNBAR-MICHIGAN AREA, AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2006-58 amends the MLK plan to become the MLK VSS plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, APPROVING THE DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN AND IMPLEMENTATION TIMELINE; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2000-17 adopted the plan for sub area 1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING A REDEVELOPMENT PLAN FOR DR. MARTIN LUTHER KING, JR. BOULEVARD, ENTITLED THE "DR. MARTIN LUTHER KING, JR. BOULEVARD REDEVELOPMENT PLAN-FEBRUARY, 2000", AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 2000-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING A REDEVELOPMENT PLAN FOR DR. MARTIN LUTHER KING, JR. BOULEVARD, ENTITLED THE "DR. MARTIN LUTHER KING, JR. BOULEVARD REDEVELOPMENT PLAN - FEBRUARY, 2000", AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: On January 20, 1999, the City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as Dr. Martin Luther King Jr. Boulevard Sub-Area 1, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: On January 20, 1999, the City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as Dr. Martin Luther King Jr. Boulevard Sub-Area 2, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: On January 20, 1999, the City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as Dr. Martin Luther King Jr. Boulevard Sub-Area 3, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: On June 21, 1999, the City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as Dr. Martin Luther King Jr. Boulevard Sub-Area 4, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: City staff has prepared a redevelopment plan for Dr. Martin Luther King Jr. Boulevard Sub-Areas 1, 2, 3, and 4, which has

RESOLUTION NO. 2000-17

been found consistent with the Comprehensive Plan by the Planning Board, and recommended for approval by the Community Redevelopment Agency, and

WHEREAS: The “Dr. Martin Luther King Jr. Boulevard Redevelopment Plan” exists as the Community Redevelopment Plan for the four redevelopment Sub-Areas of Dr. Martin Luther King, Jr. Boulevard;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The “Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, dated February, 2000 is hereby adopted as the Community Redevelopment Plan for Dr. Martin Luther King Jr. Boulevard Sub-Area 1 bound by Evans Avenue on west, Ford Street on the east.

SECTION 2. The “Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, dated February, 2000 is hereby adopted as the Community Redevelopment Plan for Dr. Martin Luther King Jr. Boulevard Sub-Area 2 bound by Ford Street on the West and Michigan Avenue on the east.


SECTION 3. The “Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, dated February, 2000 is hereby adopted as the Community Redevelopment Plan for Dr. Martin Luther King Jr. Boulevard Sub-Area 3 bound by Michigan Link on the west and Interstate 75 on the east.

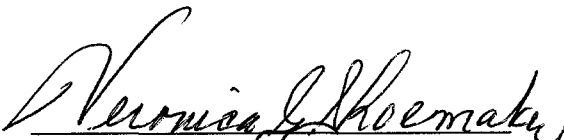
SECTION 4. The “Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, dated February, 2000 is hereby adopted as the Community Redevelopment Plan for Dr. Martin Luther King Jr. Boulevard Sub-Area 4 bound by Evans Avenue on the west, Ford Street on the east, Blake Street and Dunbar Avenue on the south, and Sub-Area 1 on the north.

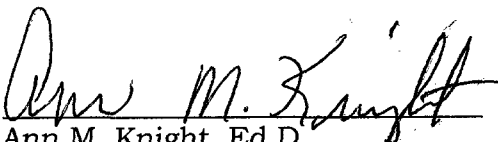
SECTION 5. This resolution shall become effective immediately upon adoption.

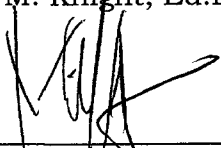
RESOLUTION NO. 2000-17


PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 20th day of March, A.D., 2000.

AYE 
Dr. W. Robert Anderson

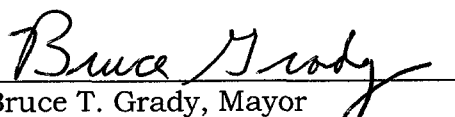
AYE 
Veronica S. Shoemaker

AYE 
Ann M. Knight, Ed.D.

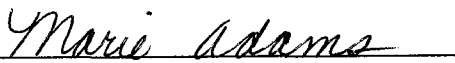
AYE 
Michael Flanders

AYE 
Brenda S. Brewer
Council Members

APPROVED this 20th day of March A.D., 2000, at 7:43 o'clock
p.m.


Bruce T. Grady, Mayor

FILED in the Office of the City Clerk this 20th day of March, A.D.,
2000.


Marie Adams, City Clerk

ORDINANCE NO. 3392

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, GROWTH MANAGEMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE III. SUPPLEMENTARY DISTRICT REGULATIONS, BY CREATING SECTION 118-549 DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN INTERIM DEVELOPMENT APPROVAL PROCESS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: The City of Fort Myers City Council adopted the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and Implementation Timeline on November 20, 2006; and

WHEREAS: Prior to the adoption of the plan, a series of public meetings were held with affected property owners, general public, other stakeholders, city staff, city council and the planning consultants, including a week long planning charrette held December 10, 2005, through December 15, 2005; and

WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan prepared by Dover Kohl and Partners depict the goals of the City as creating a more pedestrian friendly environment, cohesive urban environment, and bringing about economic revitalization to a place where people can live, work, and play; and

WHEREAS: The plan lists specific action statements for new development and redevelopment in the Dunbar community and is the basis for recommended codes changes to the Growth Management Code and

WHEREAS: The City desires timely review of new development and redevelopment projects along the Dr. Martin Luther King Jr. and

ORDINANCE NO. 3392

Veronica S. Shoemaker Boulevards reflected on Maps 1, 2, and 3, attached hereto, especially those involving setbacks and other dimensional requirements for small lots reflected with hatching on Map 2.

WHEREAS: It is the intent of the City Council to protect the health, safety, and welfare of the residents.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Sub-Part B, Growth Management Code, Chapter 118, Land Use Regulations, Article III. Supplementary District Regulations is hereby amended by creating Section 118-549 Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Interim Development Approval Process to read as follows:

Sec. 118-549. Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan interim development approval process.

(a) With the adoption of the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan there is an anticipated interest in both new and redevelopment of property along Dr. Martin Luther King Jr./Veronica S. Shoemaker corridors. Therefore, an interim development approval process is being established for a twelve (12) month period until the Growth Management Code is amended to incorporate the recommended code changes in the revitalization plan. Maps 1, 2, and 3 shown at the end of this section reflect the properties subject to the interim development approval process.

ORDINANCE NO. 3392

(b) *Conflict.* The provisions of this section when in conflict shall take precedence over other codes, ordinances, regulations and standards, except that those listed in Section 118-704 shall remain in effect. Other requirements of the growth management code or other applicable ordinances continue to be applicable only to issues not covered by this section, except where those would contradict the intent of this section.

(c) *Exemptions.* Items listed below shall be exempt from the requirements of this section and shall instead be reviewed for compliance with the requirements of the growth management code.

- (1) Interior remodeling only.
- (2) Like replacement of materials and structures.
- (3) Routine maintenance and repair.
- (4) Single-family homes and single family residential development, including additions, except those fronting on Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard.
- (5) Historic rehabilitation and/or restoration in compliance with the Secretary of the Interior Standards, or the occupancy of a historic landmark with a permitted use that proposes no additional square footage.
- (6) Change in occupancy from one permitted use to another where no additional square footage is proposed.

ORDINANCE NO. 3392

(d) *Activation.* Provisions of this section shall be activated by "shall" when required, "should" when recommended, and "may" when optional.

(e) *Applicability.*

(1) The existing small lots along Dr. Martin Luther King Jr. Boulevard between Evans Avenue and Ford Street reflected with hatching on Map 2 are of insufficient size to comply with the current regulations in the growth management code. Proposed improvements in this area may need relief from certain dimensional code requirements, including but not limit to: setback requirements, on-site parking requirements, driveway width, building height, lot width and depth, lot coverage and landscape requirements and may follow the variance process prescribed in Sections 98-201 through 98-206. Application fee for variance(s) in these areas shall be waived during this interim period.

(2) New development, additions to existing development and renovations to existing development five (5) acres or greater in size along the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards as shown on Maps 1 and 3 shall be approved only through the planned unit development process prescribed in Sections 118-281

ORDINANCE NO. 3392

through 118-307. The planned unit development application fee shall be waived during this twelve (12) month interim review and approval process.

- (3) New development, additions to existing development and renovations to existing development less than five (5) acres in size along the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards as shown on Maps 1 and 3 or those located within the boundary of Dunbar-Belle Vue Annexation area (see Map D) are not required to follow the planned unit development process and instead shall follow to the maximum extent practical the planning concepts in the revitalization plan and the design guidelines prescribed in Appendix B as the plan was adopted by Resolution No. 2006-58 on November 20, 2006, by City Council. Proposed improvements to properties less than five (5) acres may also need relief from certain dimensional code requirements, including but not limit to: setback requirements, on-site parking requirements, driveway width, building height, lot width and depth, lot coverage and landscape requirements and may follow the variance process prescribed in Sections 98-201 through 98-206. Application fee for

ORDINANCE NO. 3392

variance(s) in these areas shall be waived during this interim period.

- (4) Uses requiring conditional use approval by the board of adjustments. Regardless of the size or location of property, the following uses have been identified as uses that may have potential adverse impacts to the surrounding neighborhood and therefore require conditional use/site plan review and approval by the board of adjustments. These provisions shall apply only to new uses or redevelopment of existing uses that add 50% or more to the gross floor area or exceed 50% of the assessed value of the building and site in the areas reflected on Maps 1, 2, and 3 as shown at the end of this section. Where the conditional use process conflicts with other provisions herein, the conditional use process shall prevail as the prescribed process for review and approval of a particular use(s). The application fee for a conditional use and any associated variance request shall be waived during the interim review and approval process.
- a. Pawnshops.
 - b. Pool halls.
 - c. Tire repair.
 - d. Check cashing establishments.

ORDINANCE NO. 3392

- e. New and used auto, truck, boat, mobile home, cycle, or other similar sales agencies with accessory servicing and repairing.
- (f) Determination of vested rights or denial of all economic use.
 - (1) Nothing in this section shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:
 - a. A development approval from the city as described in subsection (e), above, was obtained prior to May 21, 2007, the effective date of this section; and
 - b. Upon which the property owner has detrimentally relied, in good faith, by making substantial monetary expenditures; and
 - c. That it would be highly inequitable to deny the property owner the right to complete the development.
 - (2) Nothing in this section shall be construed or applied to prevent development of a particular parcel where the property owner can demonstrate by substantial competent evidence that, because of the interim development approval process, no economic use can be made of the parcel.

ORDINANCE NO. 3392

- (3) Any property owner claiming vested rights or denial of all use under this subsection (e) must file an application with the city council for a determination within ninety (90) days after May 21, 2007, the effective date of this section. The application shall be accompanied by an application fee of five hundred dollars (\$500.00) and contain a sworn statement as to the basis upon which the vested rights or denial of all use are asserted, together with documentation required by this section and other documentary evidence supporting the claim. The city council shall hold a noticed public hearing on the application. Based upon the competent substantial evidence submitted, the city council shall make a determination by ordinance as to whether the property owner has established vested rights or a lack of economic use for the parcel.
- (4) Judicial review of final decisions by the city council under subsection (e) of this section shall be by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial decisions of municipalities.

ORDINANCE NO. 3392

- (5) Exhaustion of administrative remedies. No property owner claiming that this section as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court unless he or she has first exhausted the applicable administrative remedies provided in this section.

Sec. 118-550 through Sec. 118-549. Reserved.

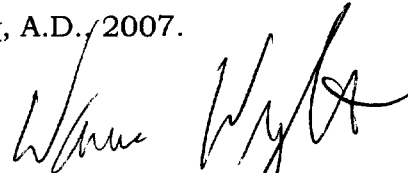
SECTION 2. Severability. If for any reason any section, subsection, paragraph, or part of this ordinance shall be held invalid or destroy any other section, subsection, or part of this ordinance then the remaining portions thereof shall remain in full force and effect without regard to the section, subsection, paragraph or invalidated.

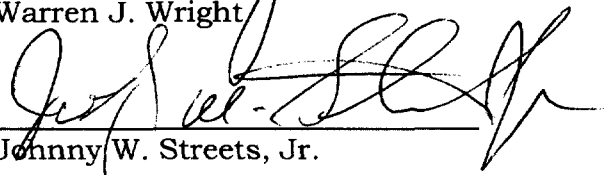
SECTION 3. This ordinance shall remain in effect for twelve (12) months from the date of adoption or until the Growth Management Code is amended to incorporate the recommended standards of the revitalization plan, whichever is sooner.

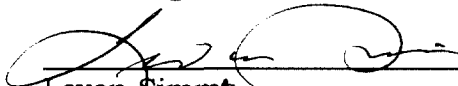
SECTION 4. This ordinance shall become effective immediately upon adoption.

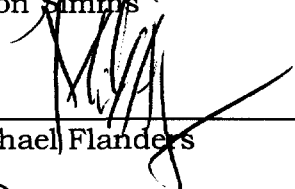
ORDINANCE NO. 3392

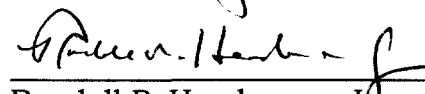
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 21st day of May, A.D., 2007.

Aye 
Warren J. Wright

Aye 
Johnny W. Streets, Jr.

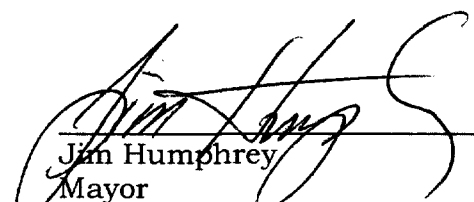
Aye 
Levon Simms

Aye 
Michael Flanders


Aye 
Randall P. Henderson, Jr.

Aye 
Thomas C. Leonardo
Council Members

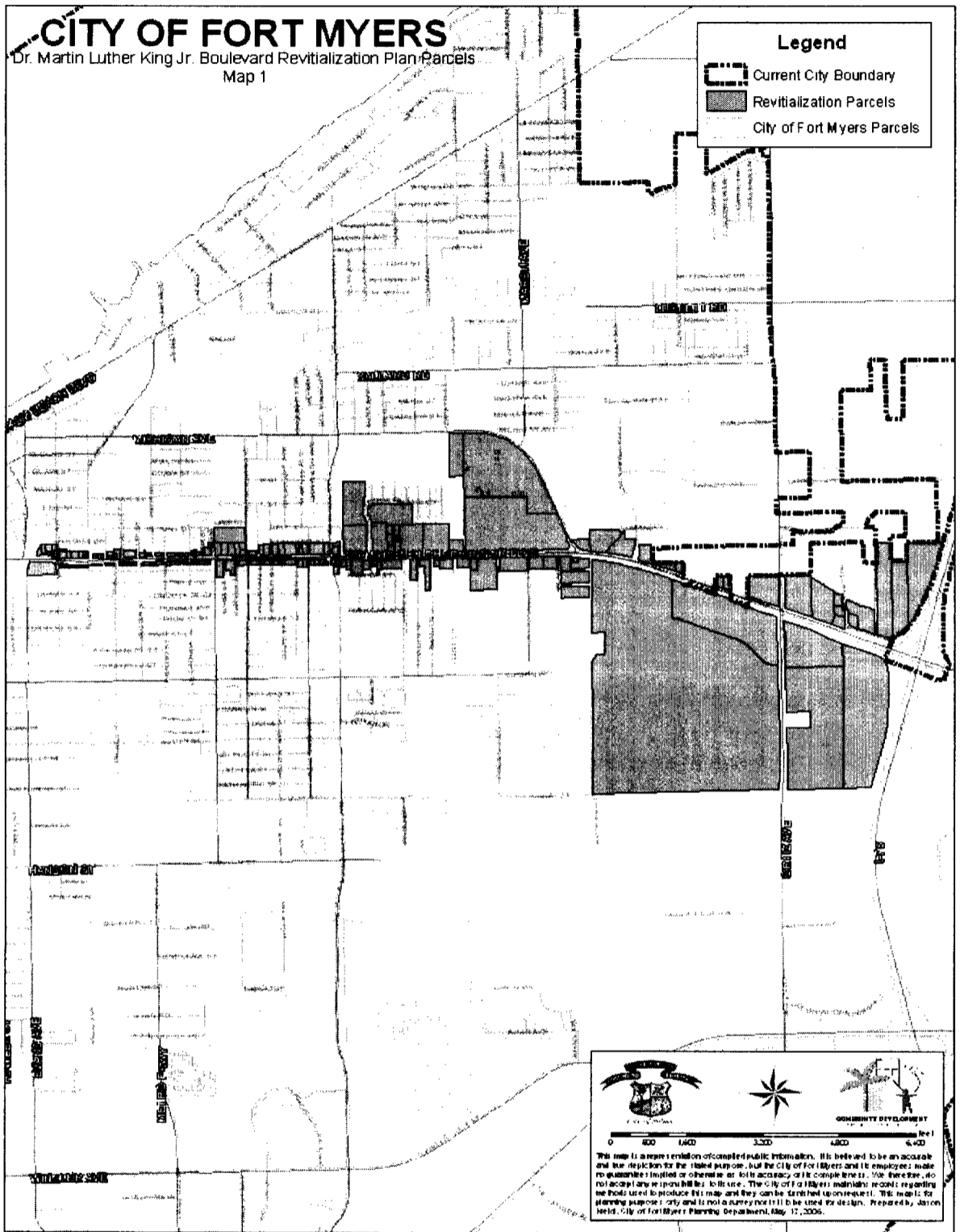
APPROVED this 21st day of May, A.D., 2007, at 6:10 o'clock p.m.

Aye 
Jan Humphrey
Mayor

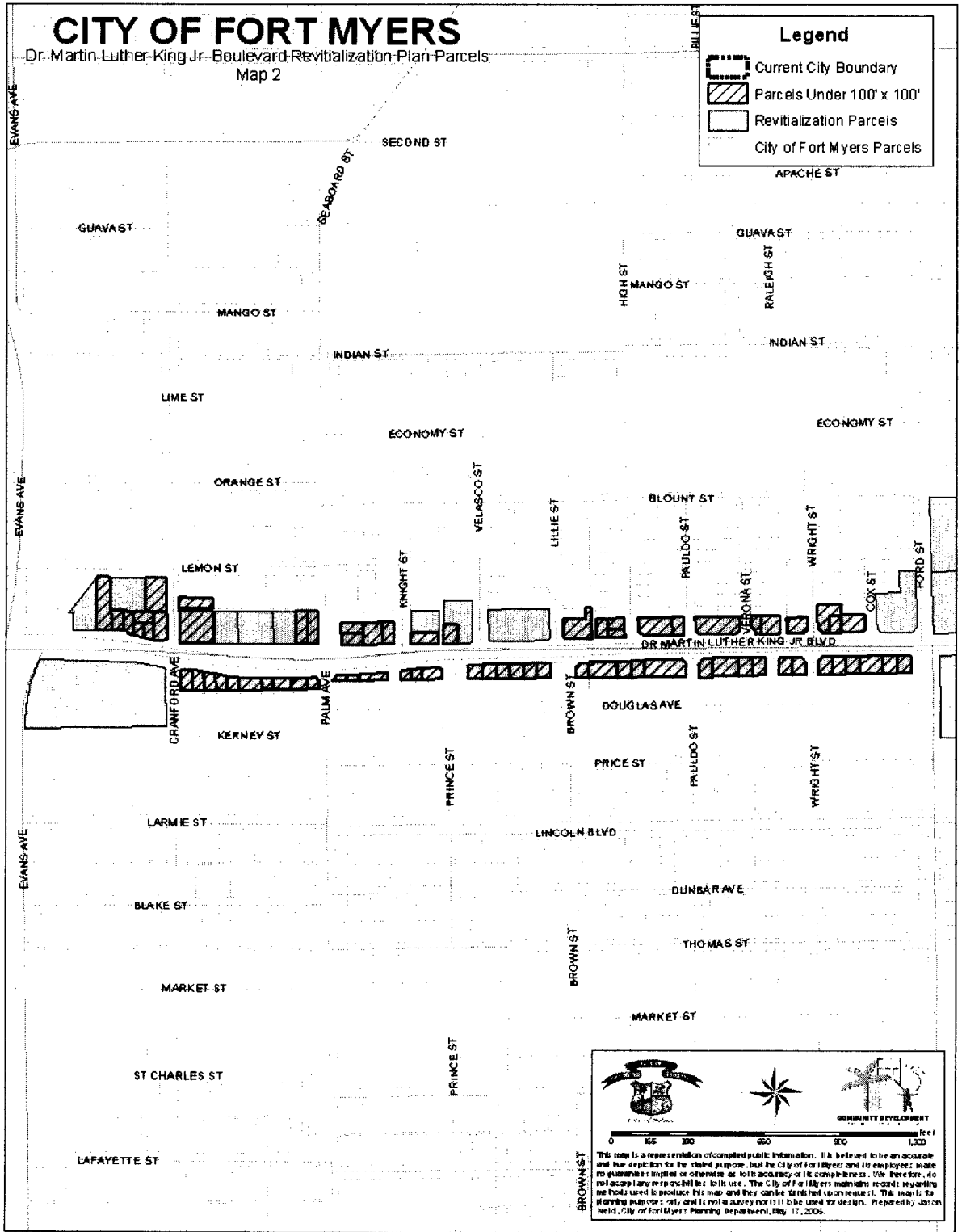
FILED in the Office of the City Clerk this 21st day of May, A.D., 2007.


Marie Adams, CMC
City Clerk

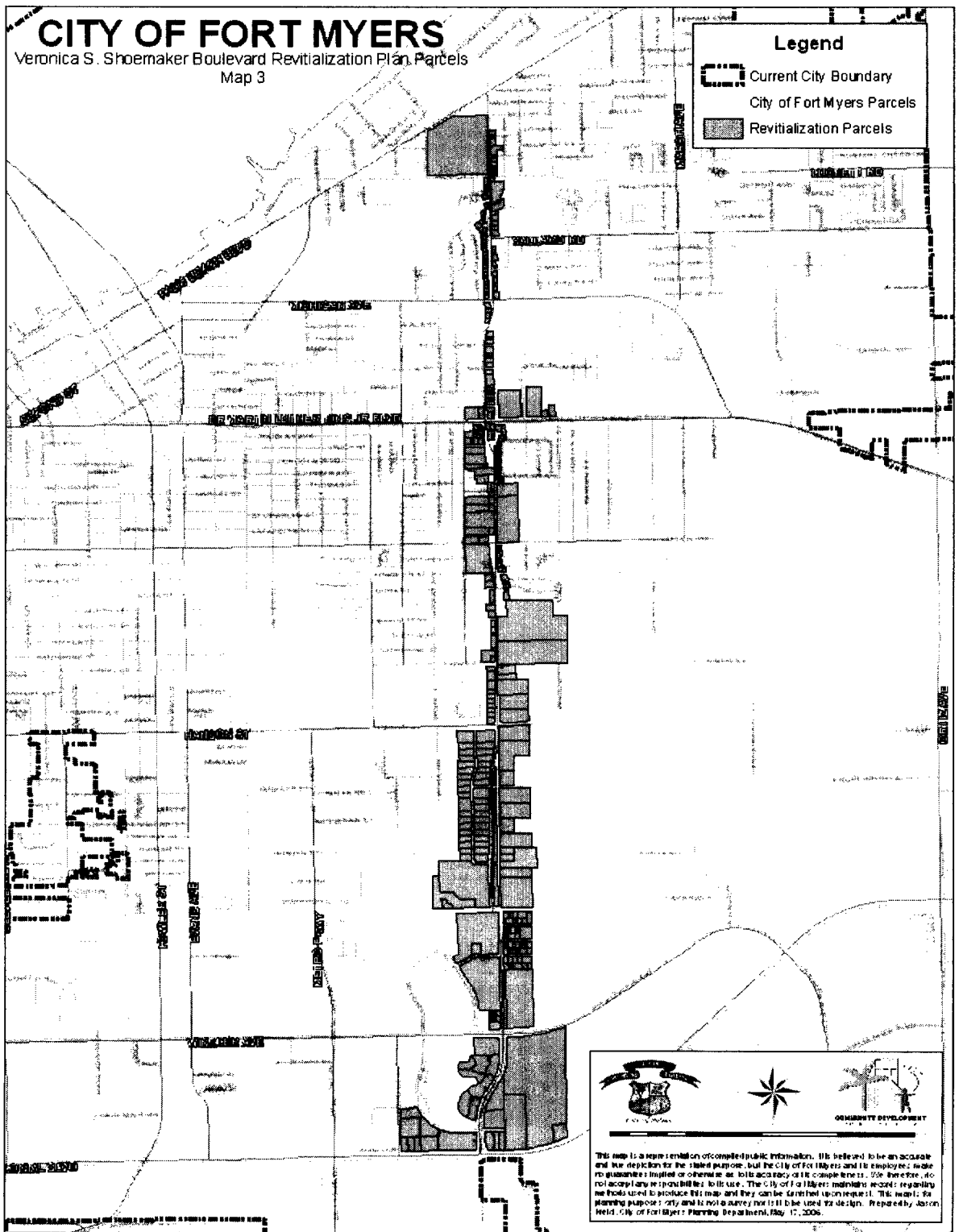
ORDINANCE NO. 3392



ORDINANCE NO. 3392



ORDINANCE NO. 3392



ORDINANCE NO. 2946

**AN ORDINANCE
To Be Entitled:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222(c)(10) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 1 AND CREATING SECTION 2-232 REDEVELOPMENT TRUST FUND FOR AREA 10; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at a public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 63.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(10) is hereby created to read as follows:

ORDINANCE NO. 2946

(a) Area 10. Dr. Martin Luther King Jr. Boulevard

Redevelopment Sub-Area 1:

A parcel of land described in O.R. 1651, Page 3490, Public Records of Lee County, Florida.

Together With:

Lots 25-48 of Block 15, Block 16, North Half of Block 17 and Lot 40 of Block 17, North Half of Block 18, Evans Addition No. 2 Plat Book 2, Page 1a, Public Records of Lee County, Florida.

Together With:

A parcel of land described in O.R. 1685, Page 2363, O.R. 1685, Page 2366, O.R. 1029, Page 1719, O.R. 2552, Page 2135, O.R. 2546, Page 1112, O.R. 159, Page 598, O.R. 2068, Page 1195, Lot 20 of Block 14, Lots 25-30, 32, 34, 36, 38, 40, 42, 44, 46, and 48 of Block 13, Evans Addition, Plat Book 1, Page 29, Public Records of Lee County, Florida.

Together With:

Lots 9-12 and Lot 14, Blount's Addition, Plat Book 1, Page 56, Public Records of Lee County, Florida.

Together With:

Lots 10-12 of Block 1, Lots 9-12 of Block 2, Lots 10-12 of Block 3, Lots 6-12 of Block 6, Lots 7-12 of Block 7, Lots 7-12 of Block 10, Knights Extension, Plat Book 2, Page 2, Public Records of Lee County, Florida.

Together With:

Lots 7-18 of Block A, Lots 6-18 of Block B, Lots 7-12 of Block C, Dunbar Heights, Plat Book 8, Page 56, Public Records of Lee County, Florida.

Together With:

Lots 7-12 of Block A, Lots 5-18 of Block B, Lots 7-18 of Block C, Dunbar Heights Extension, Plat Book 8, Page 66, Public Records of Lee County, Florida.

Together With:

Blocks 1-5, Lots 1-15 of Block 6, Lots 1-16 of Block 7, Lots 1-16, 27, and 28 of Block 8, Lots 1-20 of Block 9, Lots 1-18, 25, 26, and the West 9 Feet of Lot 24 of Block 10, Lincoln Park, Plat Book 3, Page 43, Public

ORDINANCE NO. 2946

Records of Lee County, Florida.

Subject To Easements, Restrictions, Reservations and Rights of Way of Record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-232 of the City Code is hereby created to read as follows:

Section 2-232. Redevelopment trust fund for Area 10.

(a) There is hereby established in accordance with the provision of F.S. 163.387, a redevelopment trust fund for Area 10, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 1, which fund is hereinafter referred to as the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund. The finance director is hereby appointed and designated to administer the Dr. Martin Luther King, Jr. Boulevard Sub-Area 1 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 10.

(b) There shall be annually paid into the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held

ORDINANCE NO. 2946

in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

(c) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 10; and

(d) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 10 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

(e) The agency shall annually receive and deposit into the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(2).

(f) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 10, if

ORDINANCE NO. 2946

any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 10.

SECTION 3. Severability

Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

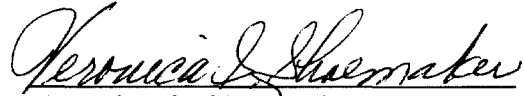
ORDINANCE NO. 2946

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 3rd day of April, A.D., 2000.

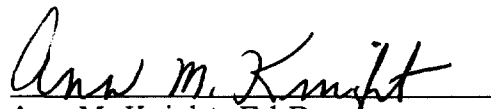
AYE


Dr. W. Robert Anderson

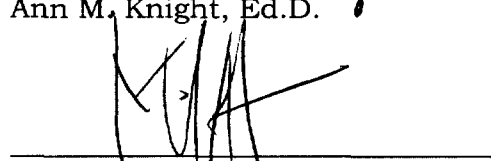
AYE


Veronica S. Shoemaker


AYE


Ann M. Knight, Ed.D.

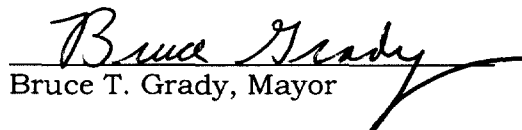
AYE


Michael Flanders

AYE


Brenda S. Brewer
Council Members

APPROVED this 3rd day of April A.D., 2000, at 7:01 o'clock p.m.


Bruce T. Grady, Mayor

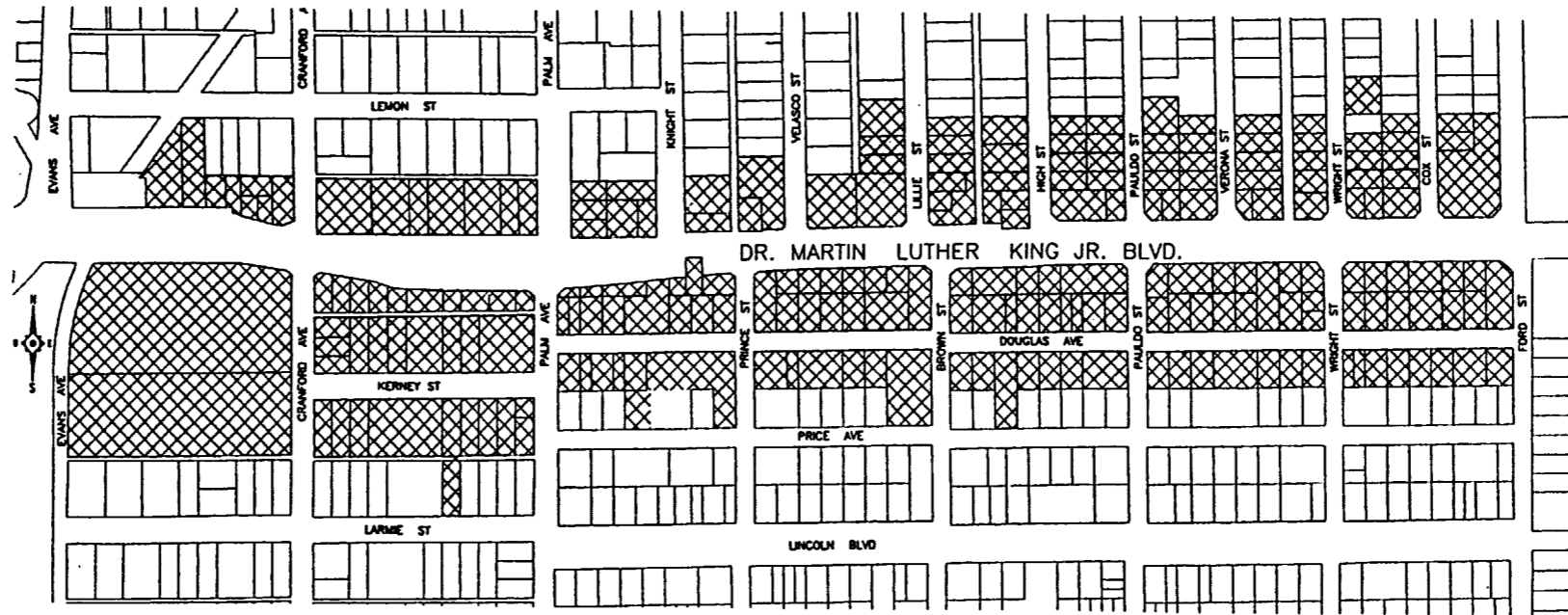
FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.


Marie Adams, City Clerk

 City Study Area

Sub Area 1

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



ORDINANCE NO. 2946

ORDINANCE NO. 2947

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222(c)(11) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 2 AND CREATING SECTION 2-233 REDEVELOPMENT TRUST FUND FOR AREA 11; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at a public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(11) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 2 is hereby created to read as follows:

(11) Area 11 Dr. Martin Luther King Jr. Boulevard

ORDINANCE NO. 2947

Redevelopment Sub-Area 2:

Lots 1-5, Claudia Stroup's Subdivision, Plat Book 5, Page 10, Public Records of Lee County, Florida.

Together With:

Lots 1-10 of Block 7, Block 8, Lot 1 and the South 36.53 feet of Lot 2 of Block 5, and that Parcel of Land 50 feet wide lying between Lot 1 of Block 5 and Lot 5 of Block 8, Stareco Addition, Plat Book 8, Page 29, Public Records of Lee County, Florida.

Together With:

Lots 1-6 of Block A, and Block H, Fairdale, Plat Book 8, Page 20, Public Records of Lee County, Florida.

Together With:

Block 2, Youman's Bros. Eastland Heights, Plat Book 3, Page 10, Public Records of Lee County, Florida.

Together With:

Blocks 3 and 4, J.B. Cox's Re-Subdivision No. 2 of the East Half of Eastland Heights, Plat Book 3, Page 73, Public Records of Lee County, Florida.

Together With:

Lots 1-10 of Block D and Lots 1-4 of Block E, Carver Park, Plat Book 8, Page 88, Public Records of Lee County, Florida.

Together With:

Lots 5-9 and Lots 18-22 of Block One, W.R. Kaunes Subdivision, Plat Book 1, Page 60, Public Records of Lee County, Florida.

Together With:

A Parcel of Land Described In O.R. 2739, Page 4129 and O.R. 493, Page 423, Public Records of Lee County, Florida.

Together With:

Lot 19 and the North 101 Feet of Lots 24-26, Geo. D. Williams Subdivision, Plat Book 4, Page 1, Public Records of Lee County, Florida.

Together With:

A parcel of land described in O.R. 2134, Page 366, Public Records of Lee County, Florida.

Together With:

Lots 50 and 51, Erickson Place, Plat Book 3, Page 83, and

ORDINANCE NO. 2947

Lots 5-11 of Block 1, Unit 3, Harlem Lake, Plat Book 13,
Page 136, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and
rights-of-way of record.

SECTION 2. The City Code, Chapter 2, Article VI Community
Redevelopment, Section 2-233 Redevelopment trust fund for Area 11 is
hereby created to read as follows:

Section 2-233 Redevelopment trust fund for Area 11.

(a) There is hereby established in accordance with
the provision of F.S. 163.387, a redevelopment trust fund
for Area 11, also known as Dr. Martin Luther King Jr.
Boulevard Sub-Area 2, which fund is hereinafter referred to
as the Dr. Martin Luther King Jr. Boulevard Sub-Area 2
Trust Fund. The finance director of the city is hereby
appointed and designated to administer the Dr. Martin
Luther King Jr. Boulevard Sub-Area 2 Trust Fund on behalf
of the Agency and is authorized and directed to maintain
and administer the Dr. Martin Luther King Jr. Boulevard
Sub-Area 2 Trust Fund in accordance with applicable laws,
ordinances, resolutions and directives of the agency. The
monies allocated to and deposited into the Dr. Martin
Luther King Jr. Boulevard Sub-Area 2 Trust Fund are
hereby appropriated to and may only be used by the agency
to pay the costs of and to finance the undertakings of the
agency to carry out redevelopment within Area 11.

(b) There shall be annually paid into the
Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust
Fund an amount not less than that increment in the
income, proceeds, revenues and funds derived from or held
in connection with its undertaking and carrying out of
community redevelopment. Such increment shall be

ORDINANCE NO. 2947

determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 11; and
 - (ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 11 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.
- (c) The agency shall annually receive and deposit into the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(2).
- (d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 11, if

ORDINANCE NO. 2947

any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 11.

SECTION 3. Severability

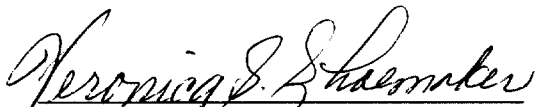
Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2947

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 3rd day of April, A.D., 2000.

AYE 
Dr. W. Robert Anderson

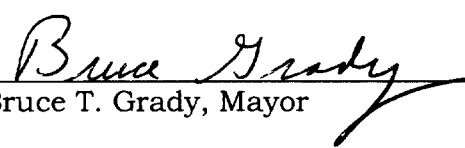
AYE 
Veronica S. Shoemaker

AYE 
Ann M. Knight, Ed.D.

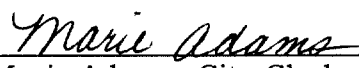
AYE 
Michael Flanders

AYE 
Brenda S. Brewer
Council Members

APPROVED this 3rd day of April A.D., 2000, at 7:02 o'clock p.m.


Bruce T. Grady, Mayor

FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.


Marie Adams, City Clerk

Sub Area 2

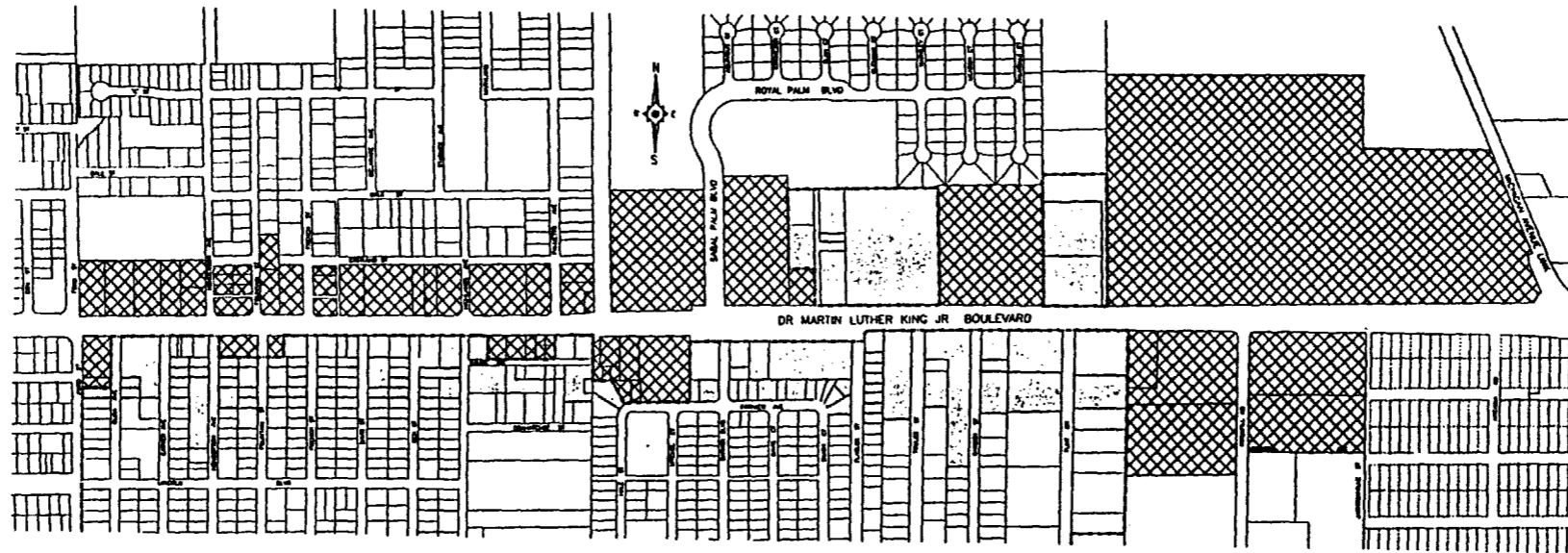


City Study Area



Unincorporated Enclave

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



ORDINANCE NO. 2947

ORDINANCE NO. 2948

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222(c)(12) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 3 AND BY CREATING SECTION 2-234 REDEVELOPMENT TRUST FUND FOR AREA 12; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at a public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(12) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 3 is hereby created to read as follows:

(12) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 3:

ORDINANCE NO. 2948

Lots 14, 21, 27, and 28 of Pine Crest, Plat Book 5, Page 3. Less Right of Way of Ortiz Avenue, Dr. Martin Luther King Jr. Boulevard (S.R. 82), Old Immokalee Road, and Benchmark Avenue.

Together With:

A Parcel of Land described In O.R. 2608, Page 1107, and that Part of Lots 1, 28, and 29, Benchmark Corporate Park, Plat Book 42, Page 61 lying in Section 16, Township 44 S, Range 25 East, Public Records of Lee County, Florida.

Together With:

Lots 1, 2, 4, 5, and 6, Interstate Park 82, Phase 2, Plat Book 45, Page 33, Public Records of Lee County, Florida.

Together With:

Lot 18 and that Part of Lot 23 and Lot 24, Interstate Park 82, Phase 1, Plat Book 41, Page 78, lying in Section 22, Township 44 South, Range 25 East, Public Records of Lee County, Florida.

Together With:

A Parcel of Land Described In O.R. 2629, Page 2220, O.R. 2125, Page 4624, and that Part of O.R. 2118, Page 929 lying West of I-75 in Section 22, Township 44 South, Range 25 East, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and rights-of-way of Record.

SECTION 2. The City Code, Chapter 2, Article VI, Community Redevelopment, Section 2-234 Redevelopment trust fund for Area 12 is hereby created to read as follows:

Section 2-234. Redevelopment trust fund for Area 12.

(a) There is hereby established in accordance with the provision of F.S. 163.387, a redevelopment trust fund for Area 12, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 3, which fund is hereinafter referred to as the Dr. Martin Luther King, Jr. Boulevard Sub-Area 3 Trust Fund. The finance director of the city is hereby appointed and designated to administer the Dr. Martin

ORDINANCE NO. 2948

Luther King Jr. Boulevard Sub-Area 3 Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 12.

(b) There shall be annually paid into the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 12; and
- (ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 12 as shown upon the most recent assessment roll used in

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connection with the taxation of such property
by each taxing authority prior to April 3, 2000.

(c) The agency shall annually receive and deposit into the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Dr. Martin Luther King Jr. Boulevard Sub—Area 3 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 12, if any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 12.

SECTION 3. Severability.

Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

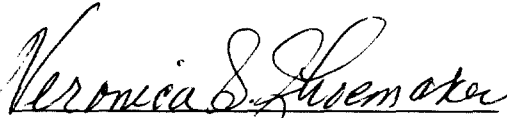
ORDINANCE NO. 2948

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 3rd day of April, A.D., 2000.

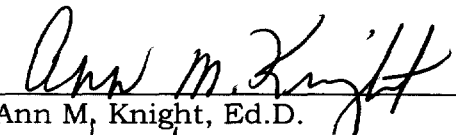
AYE


Dr. W. Robert Anderson

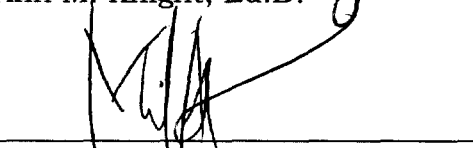
AYE


Veronica S. Shoemaker


AYE


Ann M. Knight, Ed.D.

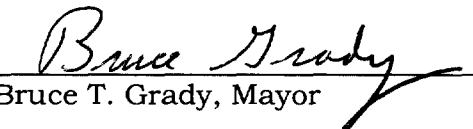
AYE


Michael Flanders

AYE


Brenda S. Brewer
Council Members



APPROVED this 3rd day of April A.D., 2000, at 7:03 o'clock p.m.


Bruce T. Grady, Mayor

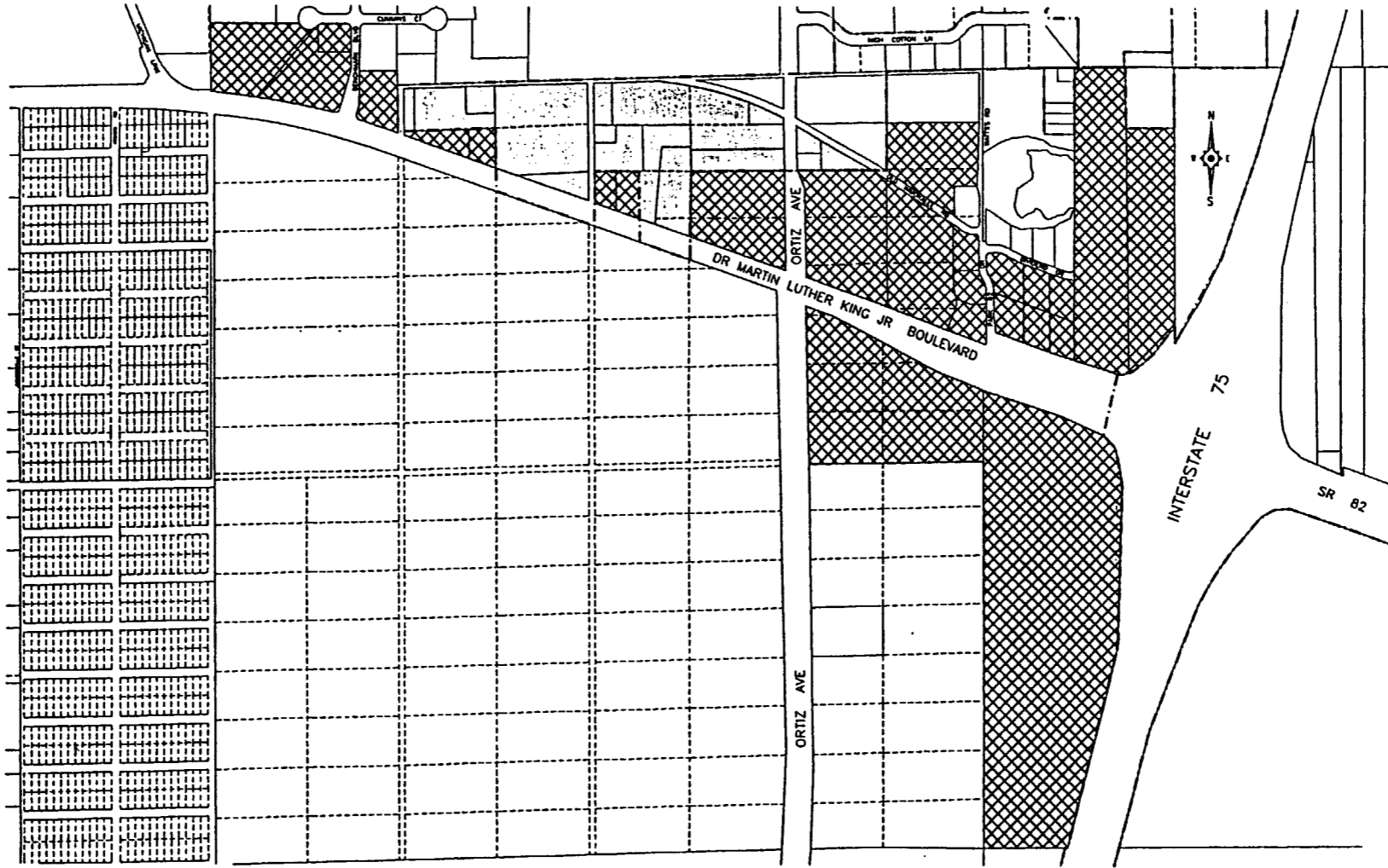
FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.


Marie Adams, City Clerk

Sub Area 3

-  City Study Area
-  Unincorporated Enclave

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



ORDINANCE NO. 2948

ORDINANCE NO. 2949

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY CREATING SECTION 2-222(c)(13) DR. MARTIN LUTHER KING JR BOULEVARD SUB-AREA 4; CREATING SECTION 2-235 REDEVELOPMENT TRUST FUND FOR AREA 13; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at a public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose (c)(13) Dr. Martin Luther King Jr. Boulevard Sub-Area 4 is hereby created to read as follows:

(13) Dr. Martin Luther King Jr. Boulevard Sub-Area 4:
Beginning at the southwest corner of a parcel described as the north half (½) of Block 18, of Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public

ORDINANCE NO. 2949

records of Lee County, Florida; thence westerly along a promulgation of the south property line of said north half (½) of Block 18, Evans Addition No. 2 for a distance of 30 feet to the center line of Evans Avenue; thence southerly along the centerline of Evans Avenue for a distance of 606 feet more or less; thence easterly for a distance of 30 feet to the corner of the south right of way line of Blake Street and the northwest corner of Lot 1, Block 22, of Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida; thence easterly 1,260 feet more or less along the south right-of-way line of Blake Street to the northeast corner of Lot 47, Block 21, of Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida, said point being the intersection of the west right-of-way line of Palm Avenue and the south right-of-way line of Blake Street; thence northeasterly for a distance of 90 feet more or less to the northwest corner of Lot 1, Block 20, Lincoln Park; a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida, said point being the intersection of the east right-of-way line of Palm Avenue and the south right-of-way line of Dunbar Avenue; thence easterly 2,608.95 feet more or less along the south right of way line of Dunbar Avenue to the northeast corner of Lot 15, Block 24, Lincoln Park Plat Block A, a subdivision recorded in Plat Book 5, Page 80 of the public records of Lee County, Florida, said point being the intersection of the south right-of-way line of Dunbar Avenue and the west right-of-way line of Ford Street; thence easterly along a promulgation of the south right-of-way line of Dunbar Avenue for a distance of 50-feet to the east right-of-way line of Ford Street; thence northerly on the east right-of-way line of Ford Street 66 feet more or less; thence westerly 50 feet to the northeast corner of Lot 16, Block 6, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence continue westerly 1,642.36 feet more or less to the northeast corner of Lot 27, Block 8, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence southerly 100 feet to the southeast corner of said Lot 27, thence westerly 60 feet to the southwest corner of Lot 28, Block 8, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence northerly 100 feet to the northwest corner of said Lot 28, thence westerly 170 feet to the northeast corner of Lot 17, Block 9, Lincoln Park Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence southerly 100 feet to the southeast corner of said Lot 17; thence westerly 120 feet to the southwest corner of Lot 20, Block 9, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence northerly 100 feet to the northwest corner of said Lot 20, thence westerly 410 feet more or less to the northeast corner of Lot 17, Block 10, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence southerly 100 feet to the southeast corner of said Lot 17, thence westerly 60 feet to the southwest corner of Lot 18, Block 10, Lincoln Park, a

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subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence northerly 100 feet to the northwest corner of said Lot 18, thence westerly 180 feet along the north property lines of the south half (½) of said Block 10 to the northeast corner of Lot 25, Block 10, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence southerly 100 feet to the southeast corner of said Lot 25, thence westerly 60 feet to the southwest corner of Lot 26, Block 10, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence northerly 100 feet to the northwest corner of said Lot 26, thence continue westerly 180 feet along the north property lines of the south ½ of said Block 10 to the northwest corner of Lot 32, Block 10, Lincoln Park, a subdivision recorded in Plat Book 3, Page 43 of the public records of Lee County, Florida; thence westerly 50 feet across Palm Avenue along a promulgation of the north property lines of the south half (½) of said Block 10 to the west right of way line of Cranford Avenue; thence southerly along the west right of way line of Cranford Avenue 180 feet more or less to the the north boundary of an alley (10 feet wide) dividing the north and south halves of Block 17, Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida; thence continue westerly along the north right-of-way line of said alley 200 feet to the southeast corner of Lot 39, Block 17, Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida; thence southerly across the alley and along the east property line of Lot 40, Block 17, Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida to the southeast corner of said Lot 40; thence westerly along the south property line of said Lot 40 to the southwest corner of said Lot 40; thence northerly along the west property line of said Lot 40 to the northwest corner of said Lot 40; thence in a northerly line promulgated by the west property line of said Lot 40 across the alley to the southwest property line of Lot 39, Block 17, Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida; thence westerly for a distance of 610 feet more or less across Cranford Avenue and along the north right of way line of an alley (10 feet wide) bisecting the north and south halves of Block 18, Evans Addition No. 2, a subdivision recorded in Plat Book 2, Page 1A of the public records of Lee County, Florida to the point of beginning.

Subject to easements, restrictions, reservations, and rights-of- way of Record.

SECTION 2. The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-235 Redevelopment trust fund for Area 13 is hereby created to read as follows:

ORDINANCE NO. 2949

Section 2-235. Redevelopment trust fund for Area 13.

(a) There is hereby established in accordance with the provision of F.S. 163.387, a redevelopment trust fund for Area 13, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 4, which fund is hereinafter referred to as the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund. The finance director of the city is hereby appointed and designated to administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the undertakings of the agency to carry out redevelopment within Area 13.

(b) There shall be annually paid into the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

(i) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic

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boundaries of Area 13; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 13 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

(c) The agency shall annually receive and deposit into the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 13, if any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 13.

ORDINANCE NO. 2949

SECTION 3. Severability

Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2949

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 3rd day of April, A.D., 2000.

AYE

Dr. W. Robert Anderson
Dr. W. Robert Anderson

AYE

Veronica S. Shoemaker
Veronica S. Shoemaker

AYE

Ann M. Knight
Ann M. Knight, Ed.D.

AYE

Michael Flanders
Michael Flanders

AYE

Brenda S. Brewer
Brenda S. Brewer
Council Members

APPROVED this 3rd day of April A.D., 2000, at 7:04 o'clock p.m.

Bruce T. Grady
Bruce T. Grady, Mayor

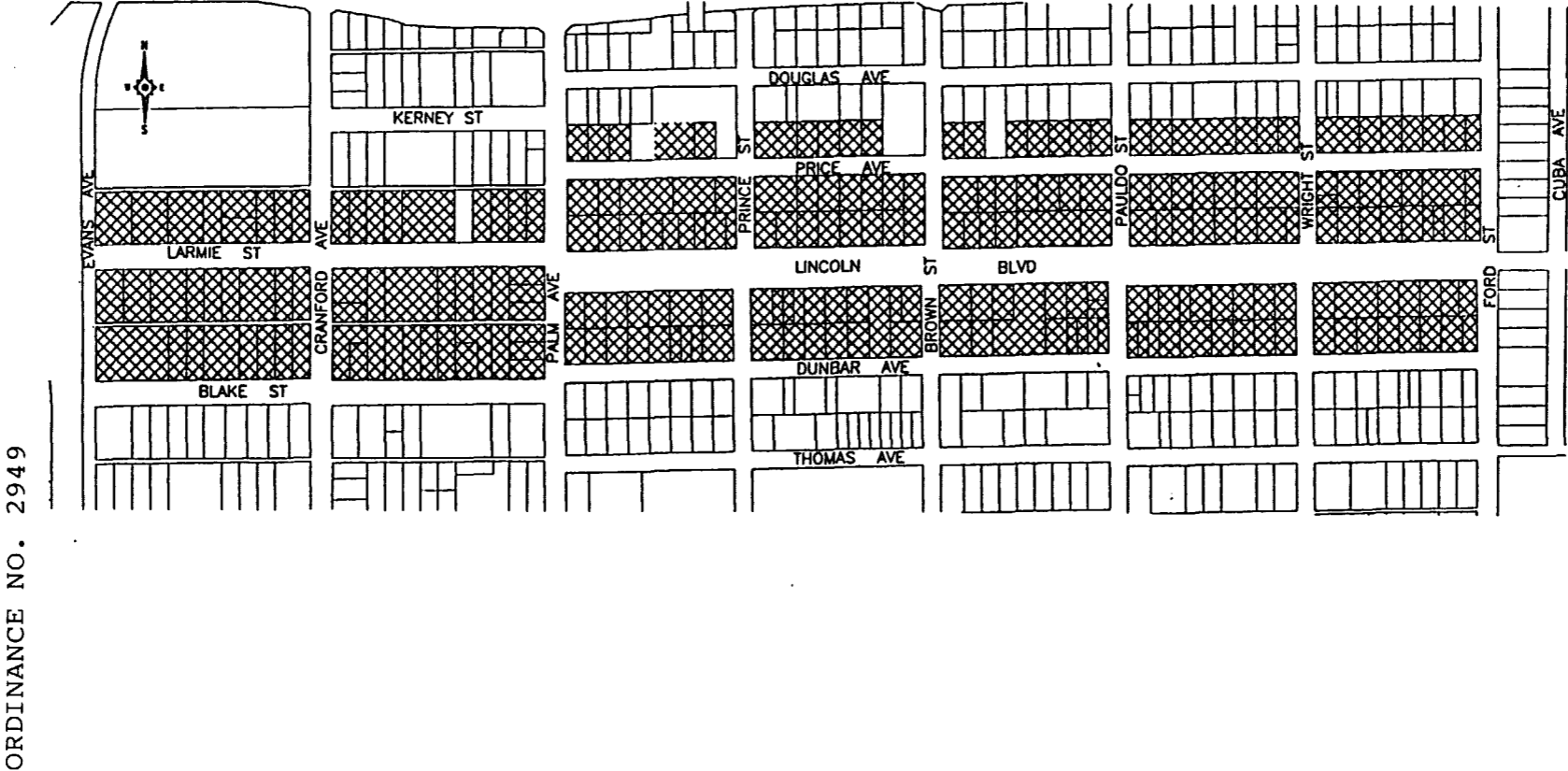
FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.

Marie Adams
Marie Adams, City Clerk

 City Study Area

Sub Area 4

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



ORDINANCE NO. 3454

AN ORDINANCE

To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT, SECTION 26-41, DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 1 TRUST FUND FOR AREA 9; SECTION 26-42 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 2 TRUST FUND FOR AREA 10; SECTION 26-43 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 3 TRUST FUND FOR AREA 11; AND SECTION 26-44 DR. MARTIN LUTHER KING JR. BOULEVARD SUB-AREA 4 TRUST FUND FOR AREA 12 BY CONVERTING EACH OF THE TRUST FUNDS INTO AN ACCOUNT IN A COMBINED TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-41 Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund for area 9, is hereby amended to read as follows:

Sec. 26-41. Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund for area 9.

(a) There is hereby established in accordance with the provisions of F.S § 163.387, a redevelopment trust fund for area 9, also known as the Dr. Martin Luther King Jr. Boulevard Sub-Area 1, which fund is hereinafter referred to as the "Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Trust Fund". The "Dr. Martin Luther King Jr. Boulevard Sub-Area 1" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund." As of

ORDINANCE NO. 3454

March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Account in the combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 1 Account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Dr. Martin Luther King Jr. Boulevard community redevelopment area.

(b) There shall be paid annually into the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

ORDINANCE NO. 3454

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 9; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 9 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

(c) The agency shall annually receive and deposit into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” shall commence as of April 3, 2000, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Dr. Martin Luther King Jr. Boulevard redevelopment area, if any, and

ORDINANCE NO. 3454

any interest thereon incurred by the agency have been paid.

(e) The funding of the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan.

(f) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 2. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-42 Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund for area 10, is hereby amended to read as follows:

Sec. 26-42. Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund for area 10.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 10, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 2, which fund is hereinafter referred to as the "Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund." The "Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services

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director of the city is hereby appointed and designated to administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Account in the combined trust fund known as the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Account in a combined trust fund known as the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Dr. Martin Luther King Jr. Boulevard community redevelopment area.

(b) There shall be paid annually into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

(1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 10; and

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(2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 10 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

(c) The agency shall annually receive and deposit into the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" shall commence as of April 3, 2000, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Dr. Martin Luther King Jr. Boulevard redevelopment area, if any, and any interest thereon incurred by the agency have been paid.

(e) The funding of the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" shall continue for the

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duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan.

(f) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 3. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II, Community Redevelopment, Section 26-43 Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund for area 11, is hereby amended to read as follows:

Sec. 26-43. Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund for area 11.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 11, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 3, which fund is hereinafter referred to as the "Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund." The "Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Account in the combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust

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Fund” on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Account in a combined trust fund known as the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within Dr. Martin Luther King Jr. Boulevard community redevelopment area.

(b) There shall be paid annually into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 11; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service

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millage, upon the total of the assessed value of the taxable real property in area 11 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

(c) The agency shall annually receive and deposit into the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" shall commence as of April 3, 2000, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Dr. Martin Luther King Jr. Boulevard redevelopment area, if any, and any interest thereon incurred by the agency have been paid. The funding of the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan.

(e) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

SECTION 4. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II,

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Community Redevelopment, Section 26-44 Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund for area 12, is hereby amended to read as follows:

Sec. 26-44. Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund for area 12.

(a) There is hereby established in accordance with the provisions of F.S. § 163.387, a redevelopment trust fund for area 12, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 4, which fund is hereinafter referred to as the "Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund." The "Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Trust Fund" is by this ordinance being reorganized and pre-existing trust funds and increment revenue calculations combined as an account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund." As of March 17, 2008, the city as the only person to whom money in the existing trust funds is pledged to payment of currently outstanding obligations consents to the reorganization and combination. The financial services director of the city is hereby appointed and designated to administer the Dr. Martin Luther King Jr. Boulevard Sub-Area 4 Account in the combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Account in a combined trust fund known as the "Dr. Martin Luther King Jr. Boulevard Combined Trust Fund" in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies

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allocated to and deposited into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” are hereby appropriated to and may only be used by the agency to pay the costs, and finance the undertakings, of the agency to carry out redevelopment within the Dr. Martin Luther King Jr. Boulevard community redevelopment area.

(b) There shall be paid annually into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 12; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 12 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 3, 2000.

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(c) The agency shall annually receive and deposit into the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” an amount from each taxing authority equal to the increment as calculated in accordance with F.S. § 163.387(1) and this article. For the purposes of this section, the term "taxing authority" shall have the same meaning as that in F.S. § 163.340(2).

(d) Payment of the increment shall be made no later than January 1 of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” shall commence as of April 3, 2000, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in the Dr. Martin Luther King Jr. Boulevard redevelopment area, if any, and any interest thereon incurred by the agency have been paid. The funding of the “Dr. Martin Luther King Jr. Boulevard Combined Trust Fund” shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan.

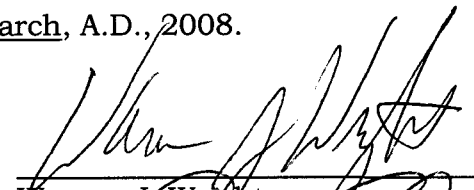
(e) The covenants and pledge of money in the existing trust fund shall continue in full force and effect.

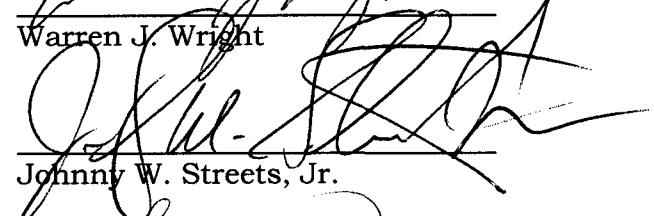
SECTION 5. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

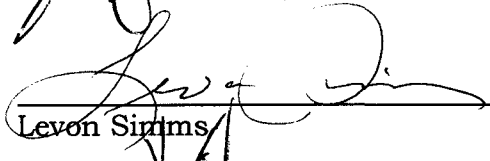
SECTION 6. This Ordinance shall become effective upon adoption.

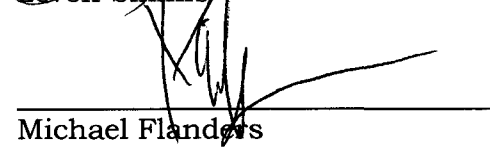
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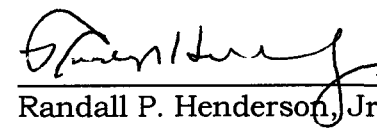
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 17th day of March, A.D., 2008.

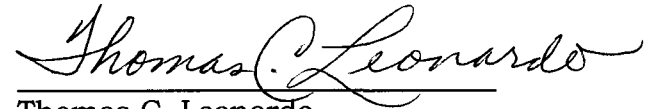
Aye 
Warren J. Wright

Aye 
Johnny W. Streets, Jr.

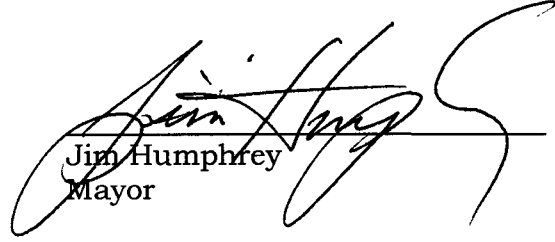
Aye 
Levon Simms

Aye 
Michael Flanders

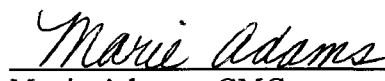
Aye 
Randall P. Henderson, Jr.

Aye 
Thomas C. Leonardo
Council Members

APPROVED this 17th day of March, A.D., 2008, at 7:13 o'clock p.m.

Aye 
Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 17th day of March, A.D., 2008.


Marie Adams, CMC
City Clerk

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AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE 4. OVERLAY DISTRICTS, SECTION 118.4.4 RESERVED FOR DR. MARTIN LUTHER KING JR. BOULEVARD BY RENAMING TO DR. MARTIN LUTHER KING JR. BOULEVARD AND VERONICA S. SHOEMAKER BOULEVARD, AND CREATING OVERLAY DISTRICT REGULATIONS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: The City Council of the City of Fort Myers, Florida, adopted Resolution No. 2006-58 on November 20, 2006, formally approving the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan, and.

WHEREAS: The City desires to provide appropriate regulations for the redevelopment of the Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard; and

WHEREAS: The City held community meetings on January 10, 2013, April 25, 2013, and January 30, 2014, to gather public input on the proposed regulations for Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard; and

WHEREAS: With the adoption of the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan (the Plan) on November 20, 2006, there is the anticipation of both new development and redevelopment of property occurring along Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard corridors (Overlay District); and

WHEREAS: The Overlay District character description includes interrelated urban uses working together to provide a collection of distinct yet compatible cultural, shopping, business, employment, and

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residential opportunities within a reasonable walk, bike or transit ride;
and

WHEREAS: It is the intent of the City Council to protect the health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118, Land Use Regulations, Article 4. Overlay Districts, Section 118.4.4 Reserved for Dr. Martin Luther King Jr. Boulevard is renamed and regulations created to read as follows:

118.4.4. Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard.

- A. Purpose and Intent: The purpose and intent of the Dr. Martin Luther King, Jr. Boulevard and Veronica S. Shoemaker Boulevard overlay district is to implement the provisions of the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan (the Plan) by creating new regulations and supplementing existing regulations to establish certain physical design criteria for redevelopment and development activity. The overlay district is intended to shape neighborhood areas that will provoke visual interest, promote new economic opportunity, and provide a hierarchy of safe and convenient access for pedestrians and bicyclists. The design criteria centers around the buildings character, its orientation to the streets and other buildings, and

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creates design standards requiring specific details of the building's shape, look, roof line, doors, windows, landscaping, and parking.

- B. Applicability: All new development, redevelopment or renovations of property are subject to these overlay requirements referred to as the Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard Overlay District. Such property is generally located abutting Dr. Martin Luther King Jr. Boulevard, east of Evans Avenue and west of Mission Lane; and all property fronting on Veronica S. Shoemaker Boulevard, between Dr. Martin Luther King Jr. Boulevard and Canal Street. A map of the specific area by parcel is on file in the community development department and city clerk's office.
- C. Conflict: The provisions of this section shall take precedence over other codes, ordinances, regulations, and standards except those listed in section 118.4.4.E., superseding regulations. Other requirements of the land development code or other applicable ordinances continue to be applicable to issues not covered by this section, except where those would contradict the intent of this section.
- D. For purposes of this subsection, the term "renovation and redevelopment" shall encompass the meanings as follows:
 - 1. Additions or renovations or redevelopment to existing buildings or properties;

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2. Where the costs of such addition, renovation, or redevelopment exceeds ~~20~~ 50-percent of the assessed value (land and building value) as determined by the Lee county property appraiser's office, of the existing site; or
 3. An existing building's square footage increases by twenty (20) percent.
- E. Superseding Regulations. The provisions of the following regulations take precedence over the provisions of this chapter:
1. Adult entertainment regulations.
 2. Noise regulations.
 3. Flood hazard regulations.
 4. Historic preservation regulations.
 5. Accessibility (Americans with Disabilities Act) standards.
 6. Florida Building Code.
 7. Florida Fire Prevention Codes.
- F. Lot Designation Types:
1. Small lots are lots with less than 10,000 square feet in area
 2. Large lots are lots with a minimum of 10,000 square feet in area and larger, and
 3. Urban node lots are lots designated within areas termed urban nodes.

118.4.4.1. Applicable to all lot and node designations

- A. Design standards.
1. Establish a landscape treatment/feature consisting of the required street trees and a

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combination of ground cover and shrubbery along street frontages that shall be a minimum area of at least nine percent (9%) of the actual front yard setback area. Recommended shrubs, ground cover, and planting specifications to be utilized within the actual nine percent (9%) landscape area are found in section 118.4.3., Cleveland Avenue overlay district, Table 1; and the setback area is illustrated following Table 1.

2. A combination of Geiger-Trees or, Glaucous Cassia, or Silver Buttonwoods trees interspaced with Royal Palms are the desired tree species to be planted along the street frontage of Dr. Martin Luther King Jr. Boulevard. A combination of Lavender Tabebuia or Gumbo Limbo trees interspaced with Sable Palms are the desired street trees along the street frontage of Veronica S. Shoemaker Boulevard. The recommended planting height of the Royal Palms shall be a minimum of fourteen (14) feet, spaced approximately 15 to 20 feet on center. Detailed street tree requirements are in section 138-72. Shade trees shall be ten (10) to twelve (12) feet high with three (3) inch to four (4) inch caliper at twelve (12) inches from base of trunk.

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3. Maintenance of the required landscape area shall be the responsibility of the property owner. If the plant materials die, they shall be replaced within sixty (60) days. The landscaping shall be maintained, fertilized, including use of the appropriate pesticide and weed control application, and sprinklered in perpetuity to the extent that healthy plant life is sustained, or, if needed, removed and replaced to keep the area in its condition when first installed.
4. Parking shall be allowed within the front setback area for new developments. Parcels to the rear and contiguous to properties abutting Dr. Martin Luther King Jr. Boulevard and Veronica S. Shoemaker Boulevard may be used to meet the minimum parking requirements. A new car lot may utilize up to fifty (50) percent of the front setback area for the display of vehicles, and the other fifty (50) percent of the front setback area shall be provided with the required landscaping.
5. Pedestrian ways, linkages or paths shall be designed and constructed to provide access between parking areas and building entries and from the building entries to surrounding streets, external sidewalks and out parcels. Pedestrian ways may be incorporated within a required landscape perimeter buffer or

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enhanced landscape areas. Shared pedestrian walkways are encouraged.

6. Lighting shall be designed and installed using cut-off fixtures. Cut-off light fixtures do not allow light dispersion or direct glare to shine above 90-degrees from the base of the fixture. A 270 degree radius/plan view cut-off shall be used on corner lots. A 180 degree radius/plan view cut off shall be used on interior lots or for lights placed within twenty (20) feet from the intersection, road right-of-way, or adjacent property lines. Lighting fixtures may not exceed a maximum of thirty (30) feet in height within the parking lot and a maximum of seventeen (17) feet in height within non-vehicular pedestrian areas.
7. All primary facades shall be designed with consistent architectural style, detail, and trim features. For the purposes of this subsection, the term "primary facade" means any facade abutting a street. Corner lots shall be defined as having two (2) primary facades fronting two (2) streets. The design of the buildings shall contain a minimum of four (4) of the following eight (8) building design treatments and must comprise fifty (50) percent of the facade area:

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- a) Awnings on all windows and door openings facing rights-of-way (use of plastic or vinyl material is prohibited),
 - b) Attached canopies,
 - c) Substantial overhangs (eighteen (18) inches minimum),
 - d) Porticos,
 - e) Arcades,
 - f) Peaked roof forms,
 - g) Display windows along a minimum of twenty (20) percent of the first floor front walls or any other wall alongside a pedestrian walkway, this feature is required of all new development or redevelopment along Dr. Martin Luther King Jr. Boulevard between Cranford Avenue and Ford Street.
 - h) Other architectural features must be approved by the community development department director.
8. Building walls and facades shall avoid large blank wall areas by including at least three (3) of the four (4) design elements listed below, in a repeating pattern. At least one (1) of the design elements must repeat horizontally:
- a) Material change,
 - b) Offsets or projections,
 - c) Bandings,
 - d) Reveals.

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9. Signs should be designed to complement rather than detract from the visual impact of a commercial development by utilizing design elements consistent with those employed in the structure's architecture. A unified sign plan must be utilized when multiple on-premises signs are proposed for a single site or development, or in the case of a shopping center or other multiple-occupancy complex, including out parcels under unified control with the main development. A building permit application must be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. Minimum uniform elements shall be utilized and include colors, construction materials and architectural design.
10. Deviations for an exceptional building design, the number of parking spaces required by chapter 134, and/or the provisions of this section may be sought where a hardship exists due to physical constraints, environmental concerns, or safety issues justifying such deviation. Three (3) complete sets of the required materials meeting all other code provisions shall be submitted to the planning division, with an explanation of hardship to justify deviation from the

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provisions of this section. Within fourteen (14) business days of receipt, the planning manager and public works director, or their designees, shall approve, approve with conditions, or deny the application, or the application shall be deemed automatically approved. Reconsideration shall be given upon receipt of revised applications, or appeals may be taken to the board of adjustments.

B. Uses permitted/adverse impact uses.

1. The uses permitted in each land use district shall be as provided in subsection 118.3.2, except as listed in subsection 2 below.
2. Uses not expressly permitted in subsection 118.3.2 or which create an adverse impact are not permitted through the conditional use process. Uses considered to have an adverse impact include:
 - a) Billboards, except as permitted by section 126-105.
 - b) Depots for large-scale storage and distribution.
 - c) Animal husbandry.
 - d) Nurseries.
 - e) Landfills and dumps.
 - f) Mineral extraction areas.
 - g) Prisons, except as accessories to police stations;

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- h) Recycling facility;
 - i) Scrap yards for the processing and storage of waste materials.
3. Uses permitted in subsection 118.3.2 that require approval through the conditional use process include:
- a) Animal boarding, animal shelter, kennels;
 - b) Bar, tavern, cocktail lounge, bottle club, and nightclubs;
 - c) Increase density in the RM-12 zoning district;
 - d) Liquor stores;
 - e) Outdoor storage;
 - f) Public or private surface parking lots (not associated with an on-site business);
 - g) Public or private parking garages without liner buildings on primary street frontages or adjacent to residential uses;
 - h) Vehicle sales, new or used;
 - i) Vehicle service and repair.
- C. Development on properties zoned RM-12.
- 1. All single-family development is permitted in accordance with the section 118.2.1.B.2 building envelope standards.
 - 2. Townhouse development is encouraged, in accordance with section 118.2.1.B.2. except as follows:
 - a. Minimum lot area: 1 acre.
 - b. Maximum height: 35 feet

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- c. Density: 12 units per acre, density may be increased through the conditional use process.

118.4.4.2 Small Lots in the Overlay District

A. Improved small lots (less than 10,000 square feet) with existing commercial or residential structures and zoned for commercial uses in the overlay district are subject to the following regulations.

1. The requirements of this section shall apply to new commercial uses or a change in commercial use for lots with an existing principal building occupying the site. With a change in ownership or use triggered by application for a business tax receipt, the business shall receive an inspection and shall be in compliance with the regulations in this section. A certificate of use will not be issued until the property becomes compliant.
2. Permitted commercial uses are listed in the land development code, section 118.3.2, table of uses.
3. All small lots within the overlay district shall be landscaped which shall be maintained in the front yard, both side yards, and the rear yard of the lot. The landscaping shall include one (1) shade tree where the lot abuts sidewalks or where a sidewalk will be located
4. No on-site parking is required. Shared parking with area businesses is encouraged.

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Parking spaces on the street and shared spaces on other sites can fulfill the parking requirements for small lots in the overlay district.

5. On-site retention, construction of public sidewalks, and commercial driveway regulations are waived for small lots.
 6. Sign regulations set forth in chapter 126, signs, shall apply, number, size, and location of signs for small lots shall be in accordance with section 126-103(b).
 7. Contiguous lots under common ownership which total 10,000 square feet or more shall develop in accordance with section 118.4.4.3 or 118.4.4.4, whichever is applicable, pursuant to section 98.4.3.
- B. Vacant small lots less than 10,000 square feet in commercially zoned areas may be developed for commercial uses. Vacant small lots will be considered legal non-conforming lots with regard to lot width and lot area for which no variance shall be required. The following requirements shall apply to all new construction on small lots for commercial uses.
1. Building setbacks:
 - a. Front: 10 feet
 - b. Side (interior): 5 feet
 - c. Side (street): 10 feet

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- d. Rear: 15 feet
- 2. Buffer yards as further detailed in section 138-4
 - a. Front: Type D buffer
 - b. Side (interior): none
 - c. Side (street): Type D buffer
 - d. Rear: Type A buffer
- 3. Driveway and drive aisle width: 22 feet
- 4. Parking:
 - a. Number of space required: three (3) spaces including a required handicap space
 - b. Parking space dimensions: nine (9) feet wide and 18 feet long

**118.4.4.3 Vacant Large Lots in the Overlay District
between Urban Nodes**

- A. Large lots having a minimum of 10,000 square feet or larger land area located outside or between a delineated urban node in the overlay district may be developed.
- B. Parking Standards
 - 1. One (1) row of parking spaces is allowable in the front of the building(s).
 - 2. New development or redevelopment shall provide a minimum of one (1) parking space per 300 square feet of gross floor area. Medical shall provide a minimum of one (1) parking space per 200 square feet of gross floor area.

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3. On-street parking, if available within two (2) blocks, or within 600 feet, and/or shared parking, within three (3) blocks may count toward twenty-five (25) percent of the required parking.
- C. Cross-Access Easements. New development or redevelopment shall provide a cross-access easement to the adjacent properties and shall be reviewed and approved by the city prior being recorded at the Lee County clerk of courts and shall be at the expense of the developer, prior to receiving a certificate of occupancy.
- D. Signs. Sign standards are set forth in chapter 126, signs.
- E. Landscaping and Buffer Standards. Landscaping and buffer standards are required as provided in section 118.4.4.1 and chapter 138, except as listed below:
 - a. Interior side buffer yards shall not be required between like uses, such as commercial to commercial.
 - b. Native Canopy Trees: In addition to the landscape requirements above, a minimum of one native canopy tree is required for every 6,000 square feet of permeable area or for every 3,000 square feet of impermeable area.
 - c. Heat Island Effect Reduction: All new parking lots shall include tree plantings designed to result in fifty (50) percent shading of the

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parking lot surface areas at maturity. The recommended trees to utilize are as follows:

1. Gumbo Limbo
2. Green Buttonwood
3. Sea Grape
4. Pigeon Plum

Exceptions to the shading calculation include:

1. Single family and two family residential parking areas.
2. Parking structures.
3. Truck loading areas in front of overhead doors.
4. Truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking.
5. Surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards, curb, or fencing.
6. Vehicle display, sales, service, and storage areas (parking facilities for these uses are subject to shading requirements).
7. Parking areas under covered stalls and in garages.

118.4.4. Urban Nodes within the Overlay District

- A. Name and Location of Urban Nodes

ORDINANCE NO. 3727

1. Western Gateway Node: Property fronting on the north side of Dr. Martin Luther King Jr. Boulevard, east of Evans Avenue and west of Palm Avenue and includes the redevelopment area known as McCollum Hall, 2701 Dr. Martin Luther King Jr. Boulevard.
2. Clemente-Dunbar Node: Property fronting on the south side of Dr. Martin Luther King Jr. Boulevard from Ford Street to Henderson Avenue; lots south from Dr. Martin Luther King Jr. Boulevard to Thomas Street, and from Ford Street on the west to Henderson Avenue on the east. Includes five blocks of Ford Street, Cuba Street, Carver Avenue, and Henderson Avenue.
3. Mid-town Dunbar Node: All property fronting on Veronica S. Shoemaker Boulevard, from the intersection with Dr. Martin Luther King Jr. Boulevard south to Canal Street; the district is located east to west from Veronica S. Shoemaker Boulevard to Highland Avenue.

A map showing specific parcels is on file in the community development department and the city clerk's office.

ORDINANCE NO. 3727

- B. Design Standards. A mix of residential, office and commercial uses are allowable in all urban nodes.
1. Building Height: Building height shall be a maximum of three (3) stories. Apartment type units may be located on the second and third floors of mixed-use buildings.
 2. Setbacks: The required front setback is ten (10) feet from the front property line for property fronting on Dr. Martin Luther King Jr. Boulevard and all other setbacks are as listed for the zoning district in section 118.2.1 building envelope standards.
 3. Parking shall be in the rear or side of the property whenever possible. A limited amount of street parking will be available for use as provided in subsection 7 below.
 4. Sidewalks in Western Gateway Node and Clemente-Dunbar Node:
 - a. Private areas may be allowed to have outdoor dining and seating in the style of First Street.
 - b. A sidewalk shall have a minimum width of eight (8) feet reserved for outdoor dining and seating as measured from the building outward; bordered by a two (2) foot wide planting strip or planters

ORDINANCE NO. 3727

facing the right-of-way and shall include a public pedestrian walking area a minimum of four (4) feet wide.

- c. A continuous awning between the front property lines shall project at least five (5) feet over the outdoor seating area between the building and the street.
5. Shade Trees: Shade trees shall create a canopy over all parking lots of at least fifty (50) percent coverage. The street trees shall be planted where required by chapter 138.
6. Parking Lots: Parking lots shall be shaded at least fifty (50) percent by canopy trees. Wheel stops shall only be required to protect landscaping. Planting areas shall be required in accordance with chapter 134. On-site parking spaces shall be nine (9) feet wide by eighteen (18) feet long.
7. On-Street Parking: Parallel on-street parking shall be allowed along one (1) side of all streets, except Dr. Martin Luther King, Jr. Boulevard and Veronica S. Shoemaker Boulevard. Signage will be installed by the city designating a fire lane

ORDINANCE NO. 3727

to delineate which side of the street is available for on-street parking.

8. Sidewalks. Sidewalks shall be installed by the developer at the time a lot is developed or redeveloped.

C. Cross-Access Easements. New development or redevelopment shall provide a cross-access easement to the adjacent properties and shall be reviewed and approved by the city prior being recorded at the Lee County clerk of courts at the expense of the developer, prior to receiving a certificate of occupancy.

D. Signs. Sign standards are set forth in chapter 126, signs.

E. Landscaping and Buffer Standards. Landscaping and buffer standards are required as provided in section 118.4.4.1 and chapter 138, except as listed below:

1. Interior side buffer yards shall not be required between like uses, such as commercial to commercial.
2. Native Canopy Trees: In addition to the landscape requirements above, a minimum one such tree is required for every 6,000 square feet of permeable area or for every 3,000 square feet of impermeable area.
3. Heat Island Effect Reduction: All new parking lots shall include tree plantings

ORDINANCE NO. 3727

designed to result in fifty (50) percent shading of the parking lot surface areas at maturity. The recommended trees to utilize are as follows:

1. Gumbo Limbo
2. Green Buttonwood
3. Sea Grape
4. Pigeon Plum

Exceptions to the shading calculation include:

1. Single family and two family residential parking areas
2. Parking structures
3. Truck loading areas in front of overhead doors
4. Truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking
5. Surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards, curb, or fencing
6. Vehicle display, sales, service, and storage areas (parking facilities for these uses are subject to shading requirements)
7. Parking areas under covered stalls and in garages


ORDINANCE NO. 3727

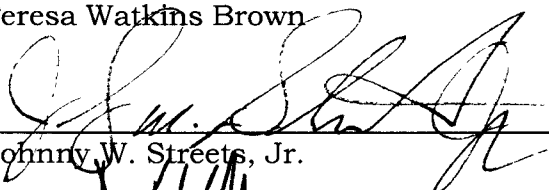
SECTION 2. Severability. If for any reason any section, subsection, paragraph, or part of this ordinance shall be held invalid or destroy any other section, subsection, or part of this ordinance then the remaining portions thereof shall remain in full force and effect without regard to the section, subsection, paragraph or invalidated.

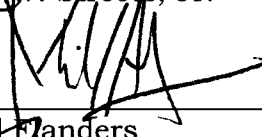
SECTION 3. This ordinance shall become effective immediately upon adoption.

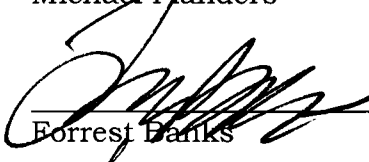
ORDINANCE NO. 3727


PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 5th day of January, A.D., 2015.

Aye 
Teresa Watkins Brown


Aye 
Johnny W. Streets, Jr.

Aye 
Michael Flanders

Aye 
Forrest Banks

Aye 
Thomas C. Leonardo
Council Members

APPROVED this 5th day of January, A.D., 2015, at 6:56 o'clock p.m.

Aye 
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 5th day of January, A.D., 2015.


Marie Adams, MMC
City Clerk

RESOLUTION NO. 2006-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, APPROVING THE DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN AND IMPLEMENTATION TIMELINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: The City of Fort Myers along with the town planning firm of Dover, Kohl & Partners and the Dunbar community worked together to create a plan for the redevelopment of Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards; and

WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan seeks to balance the needs of both vehicles and pedestrians while preserving and improving the culture and community character of Dunbar; and

WHEREAS: It is desirable and in the public interest that the City of Fort Myers undertake and carry out the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan; and

WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan was shaped extensively by community input to include a Community Kick-Off presentation held on November 28, 2005, at the Dunbar Community School to orient the community into the planning process; followed by the first Design Charette on December 10, 2005, at the Quality Life Center; and finally, a second Hands-On meeting was held on February 25, 2006, to engage more participants at the STARS Complex. This afforded community residents, City Officials, and consultants another opportunity to work together on the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan; and

WHEREAS: The City Council directed staff following the final draft presentation of the Dr. Martin Luther King Jr. and Veronica S.

RESOLUTION NO. 2006-58

Shoemaker Boulevards Revitalization Plan on July 10, 2006, to draft a resolution and implementation timeline; and

WHEREAS: The Legislature of the State of Florida in 1969 duly enacted the Community Redevelopment Act of 1969, as amended, codified as and consisting of Chapter 163, Part III, of Florida Statutes, in which Act the Legislature found that there existed in counties and municipalities of the State blighted areas which constituted a serious and growing menace to the public health, safety, morals, and welfare of the residents of the State, constituting an economic and social liability an authorized counties and municipalities in the State to utilize appropriate private and public resources to eliminate and prevent the development or spread of urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of blighted areas, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitable; and

WHEREAS: The City of Fort Myers Planning Division completed a Slum and Blight Study based on Chapter 163 to determine physical condition of structures; land uses; infrastructure; environmental influences; population/demographics; and tax base and determined that the Dr. Martin Luther King Jr. Boulevard corridor area was blighted; and

WHEREAS: The Slum and Blight Study was reviewed and approved by the City Council on January 20, 1999, for Sub-Area 1 from Evans Avenue to Ford Street, Sub-Area 2 from Ford Street to Michigan Link, Sub-Area 3 from Michigan Link to Interstate 75, and Sub-Area 4 the Lincoln Park District along the Dr. Martin Luther King Jr. Boulevard corridor.

RESOLUTION NO. 2006-58

WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan addresses the four determined blighted areas identified in the Slum and Blight Study.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and Implementation Timeline, having been duly reviewed and considered, is hereby approved, and the City Clerk is hereby directed to file said copy of the Plan in the corporate files of the City.

2. It is hereby found and determined that the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and Implementation Timeline is consistent with the Comprehensive Plan for the City of Fort Myers.

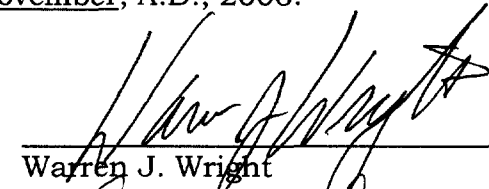
4. In order to implement and facilitate the effectuation of the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan hereby approved, the City Council hereby (a) pledges its cooperation in helping to carry out the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan, (b) requests the various officials, departments, boards and agencies of the City of Fort Myers having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions ready to consider to take appropriate action upon proposals and measures designed to effectuate the Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan.

4. This resolution shall become effective immediately upon adoption.

RESOLUTION NO. 2006-58

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 20th day of November, A.D., 2006.

Aye


Warren J. Wright


Aye


Veronica S. Shoemaker

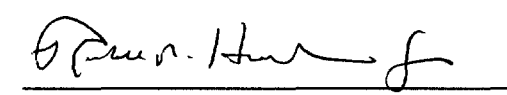
Aye


Levon Simms

Aye

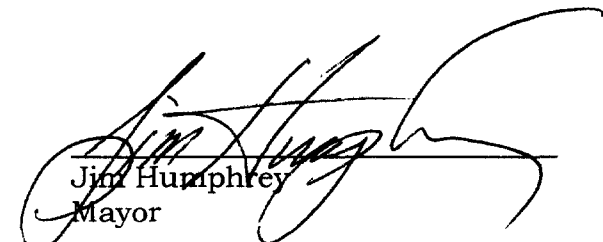

Michael Flanders

Aye

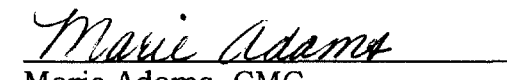

Randall P. Henderson, Jr.
Council Members

APPROVED this 20th day of November, A.D., 2006, at 6:06 o'clock p.m.

Aye


Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 20th day of November, A.D., 2006.



Marie Adams, CMC
City Clerk

Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan
Implementation Timeline

IMPLEMENTATION ITEM	ACTION	LEAD RESPONSIBILITY	TIMEFRAME	FINANCIAL COSTS	MISCELLANEOUS NOTES
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SPECIAL PLACES

Western Gateway	Encourage redevelopment of the Southeast corner of Cranford Avenue and Dr. Martin Luther King, Jr. Blvd to link McCollum Hall with the Imaginarium.	Development/Real Estate Planners	Short Term (Years 1 and 2)	Low	
	Remove any regulatory roadblocks, including lot depth and on-site parking requirements for lots facing sidewalks or rules which would preclude the adjoining church from sharing its parking lot when not needed for its own functions.	Development Services	Short Term (Year 1)	Low	Low
Clemente Park and Dunbar Park	Design a landscaped gateway to Dunbar immediately east of Cranford Ave, using the retention areas to the north side of the Blvd and the lot remnants east of Palm Ave.	Developers	Short Term (Years 2 and 3)	Low	
	Encourage a joint venture between the owners of the historic McCollum Hall and private investors to restore the facility as a dining or entertainment venue. (Ensure that city code enforcement liens don't make such a venture impossible.)	Development/Real Estate Planners/Code Enforcement	Short Term (Years 1 and 2)	Low	Low
Clemente Park and Dunbar Park	Retain an open view access across the park from the boulevard.	Public Works/Parks/ Recreation	Short Term-Long Term (Years 1 - 20)	Low	
	Improve park access and reconnect neighborhoods with a new street that crosses the Ford Street ditch.	Engineering/Transportation	Short Term (Years 4 and 5)	High	
	Offer parallel parking in place of large parking lots.	Engineering/Transportation	Short Term (Years 2 - 5)	Moderate to High	
	Bring water into the park for ambience and to filter stormwater flowing along the Ford Street ditch toward Billy Creek.	Engineering/Parks	Short Term (Year 5)	High	
	Allow human-scaled building in the park to serve community functions.	Parks/Public Art Committee	Short Term-Long Term (Years 1 - 20)	Low	
	The new street will also provide a pedestrian link to nearby Dunbar Park and then through the Fort Myers Cemetery to Billy creek, where a pedestrian bridge could connect directly to Shady Oaks Park and Terry Park.	Engineering	Short Term (Years 4 and 5)	High	

<p>Business lots damaged by four-laning of MLK</p>	<p>Create an overlay district in the city's Growth Management Code to waive unnecessary dimensional restrictions on small B-2 business lots, particularly the 25' front setback, 10' side setback, height limit that depends on side setbacks, 100' lot width and depth, and 45% cap on lot coverage. Provide in this same overlay district that the minimum number of off-street parking spaces normally required by (134-115) do not apply. Near business districts, reconstruct side streets on block north and south of the boulevard to provide on-street (parallel) parking spaces that can be used by all local businesses.</p>	<p>Development Services</p>	<p>Short Term (Year 1)</p>	<p>Low</p>	<p>Overlay Ordinance</p>
	<p>The city should continue to support and publicize the entrepreneurial assistance by the Southwest Florida Enterprise Center and the FGCU-based Small Business Development Center.</p>	<p>Fort Myers Redevelopment Agency</p>	<p>Short Term-Long Term (Years 5 - 20)</p>	<p>High</p>	
<p>Southwest Florida Enterprise Center</p>	<p>The new joint facility for the Enterprise Center and Fort Myers Housing Authority should place the business offices close to MLK Blvd to extend the pedestrian character of the boulevard. Parking should be placed behind the offices, with the new business incubator space furthest to the rear.</p>	<p>Developers</p>	<p>Short Term (Years 3 - 5)</p>	<p>High</p>	
<p>Michigan Court</p>	<p>Modify the preliminary campus-style site plan into a connected network of streets and blocks. All types of housing should have doors and windows facing streets and public spaces, with parking on-street or behind the buildings.</p>	<p>Developers</p>	<p>Short Term (Years 3 - 5)</p>	<p>Moderate</p>	
<p>Eastwood Village</p>	<p>The city should insist that Eastwood Village thoroughly integrate a variety of market rate and workforce housing on traditional interconnected blocks. Eastwood Village must accommodate the extension of Hanson Street to Ortiz Avenue and allow Edison Avenue to flow through the property providing access to the north, east, and south.</p>	<p>Development Services</p>	<p>Short Term-Long Term (Years 1 - 20)</p>	<p>Low</p>	<p>Overlay Ordinance</p>
	<p>The city should acquire the two small lots on the south side between the new lanes of VSS Blvd and combine them with the adjoining lake into a small formal park with sculpture that commemorates local culture. The Southwest quadrant of the intersection is an ideal location for an affordable multifamily housing complex. Much of the site was recently acquired by an experienced developer for this purpose.</p>	<p>FMRA/Housing Division</p>	<p>Short Term (Years 1 and 2)</p>	<p>High</p>	
<p>Mid-town Dunbar</p>	<p>The city should encourage this proposal and grant development approvals if it complies with the site design and standards in this plan. These approvals should allow a 4-10% reduction in minimum dwelling unit sizes to improve affordability.</p>	<p>Developers</p>	<p>Short Term (Years 1 - 5)</p>	<p>High</p>	
	<p>The city should encourage this proposal and grant development approvals if it complies with the site design and standards in this plan. These approvals should allow a 4-10% reduction in minimum dwelling unit sizes to improve affordability.</p>	<p>Housing-Real Estate Division/Parks Division/ Public Art Committee</p>	<p>Short Term (Years 1 and 2)</p>	<p>High</p>	
	<p>The city should encourage this proposal and grant development approvals if it complies with the site design and standards in this plan. These approvals should allow a 4-10% reduction in minimum dwelling unit sizes to improve affordability.</p>	<p>Development Services</p>	<p>Short Term (Years 1 and 2)</p>	<p>Low</p>	<p>Overlay Ordinance</p>

	<p>Some stormwater treatment could be underground in the space now for the drainage canal. This would improve water quality in Billy Creek and the Caloosahatchee while allowing the creation of a linear park along VSS Blvd, eliminating the safety hazard and restrictions on pedestrian and bicycle travel; north Michigan Ave.</p>	Public Works/Parks	Short Term (Years 4 and 5)	High	
VSS Boulevard Drainage Canal	<p>As an alternative, the canal could be filled to create the linear park while Stormwater is routed west under Michigan Avenue to new stormwater detention lakes on vacant land along the south bank of Billy Creek. These lakes could be configured as a stormwater park and be tied in with the new pedestrian system connecting Clemente Park, Dunbar Park, Fort Myers Cemetery, and Shady Oaks Park.</p>	Public Works/Parks	Short Term (Years 4 and 5)	High	
Terry Park and Shady Oaks Park	<p>Access to both parks would be improved with a pedestrian bridge connecting Fort Myers Cemetery with Shady Oaks Park and with a new linear park replacing the drainage canal along VSS Blvd.</p>	Parks	Short Term (Years 4 and 5)	High	
IMPLEMENTATION					
Constraints on new houses	<p>Modify (118-582) of the city's code to allow one single-family house on an original 50' wide lot even if the lot was owned by the adjoining lot owner in the past.</p>	Development Services	Short Term (Year 1)	Low	Overlay Ordinance
Infill housing standards	<p>Modify the standards so that high-quality conventional and innovative housing technologies are not forbidden.</p> <p>Reconsider the standards for paved driveway widths, mandatory garages, and professional landscaping.</p> <p>Consider options for allowing smaller or expandable house size in lieu of mandatory minimum sizes.</p>	Development Services	Short Term (Year 1)	Low	Overlay Ordinance
Towles Garden Affordable Housing	<p>The site plan and accompanying illustrations should become part of the Fort Myers Housing Authority solicitation for a development partner on the Towles Garden site.</p> <p>Add the junkyards near Fraklin Park Elementary School to the list of "existing junkyards" in the Growth Management Code to prohibit their expansion and allow their relocation to suitable industrial district.</p>	Fort Myers Housing Authority	Short Term (Year 1)	Low	
Junkyard Removal	<p>Identify surplus city property that could be sold to fund the acquisition of the junkyards and any necessary site cleanup.</p> <p>Immediately after completion of Towles Garden housing development, the CRA should develop housing on these sites.</p>	City Attorney's Office	Short Term (Year 1)	Low	
		Housing-Real Estate Division	Short Term (Years 1 and 2)	Low	
		CRA/FMRA	Short Term (Years 3 and 4)	High	

Enterprise Zone Marketing	City staff and the new Enterprise Zone Board should assist the Lee County Development Office in aggressively marketing Enterprise Zones to support job opportunities and affordable housing.	Planning Division/Enterprise Zone Board	Short Term-Long Term (Years 1 - 20)	Low	
Dunbar/Michigan Avenue Redevelopment	A new Dunbar/Michigan Avenue redevelopment area should be established by city officials to carry out detailed redevelopment planning and to provide a recurring source of funds to assist with plan implementation. Map E of the city's comprehensive plan should be modified to show the boundary selected for this redevelopment area. City officials should assist community leaders as they organize a Dunbar Development Fund to stimulate the economic revitalization of Dunbar.	Planning/FMRA/City Council	Short Term (Years 1 and 2)	Low	
Dunbar Development Fund	Assistance should be sought from the Lee County Visitor and Convention Bureau to advise city officials and community leaders on strategic planning for tourism in the Dunbar community. The city should evaluate both approaches outlined above during its upcoming cycle of comprehensive plan amendments and commit to an overhaul of its future land use map, with subsequent amendments to the growth management code.	Comprehensive Planner/GIS Coordinator FMRA/City Council/Neighborhood Planners	Short Term (Year 1) Short Term (Years 1 and 2)	Low	
Overly Rigid Land-use Controls		FMRA/Neighborhood Planners	Short Term (Years 1 and 2)	Low	
Design Standards for Duplexes	The city's Growth Management Code should be modified to include strict design standards for duplexes and to reconsider the decision to forbid new duplexes on newly annexed land.	Comprehensive Planner/GIS Coordinator	Short Term (Year 1)	Low	
Tree placement	The city's Growth Management Code should be amended to eliminate the insistence in Section 138-72 that rows of trees be placed only between sidewalks and buildings.	Development Services City Attorney's Office/Development Services	Short Term (Year 1)	Low	Overlay Ordinance This item will be cross-referenced in the Overlay Ordinance

RESOLUTION NO. 2007-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN AND THE DUNBAR-MICHIGAN AREA REDEVELOPMENT PLAN ADDENDUM, AS THE REDEVELOPMENT PLAN FOR THE DUNBAR-MICHIGAN AREA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: The City Council, on March 26, 2007, adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as the Dunbar-Michigan area, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan, dated July 2006 has been prepared, and the City has prepared the Dunbar-Michigan Area Redevelopment Plan Addendum, dated May 21, 2007, both of which comprise the redevelopment plan for the Dunbar-Michigan area, and which have been found consistent with the Comprehensive Plan by the Planning Board, and

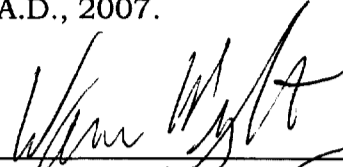
WHEREAS: The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and the Dunbar-Michigan Area Redevelopment Plan Addendum exist together as the Community Redevelopment Plan for the Dunbar-Michigan area.

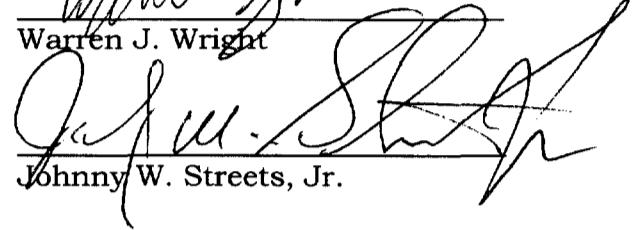
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

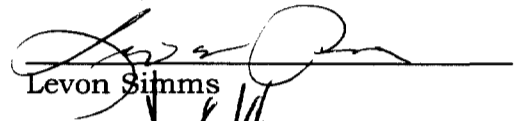
1. The Dr. Martin Luther King Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan, dated July 2006, and the Dunbar-Michigan Area Redevelopment Plan Addendum, dated May 21, 2007, together are hereby adopted as the Community Redevelopment Plan for the Dunbar-Michigan area.
2. This resolution shall become effective immediately upon adoption.

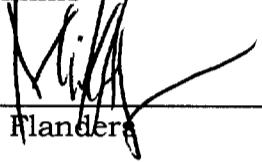
RESOLUTION NO. 2007-29

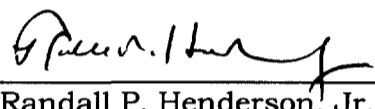
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 21st day of May, A.D., 2007.

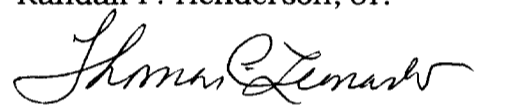
Aye 
Warren J. Wright

Aye 
Johnny W. Streets, Jr.

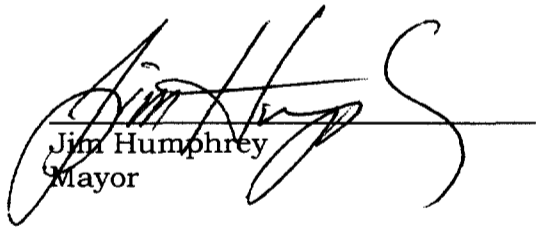
Aye 
Levon Simms

Aye 
Michael Rlanders

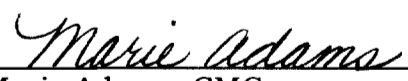
Aye 
Randall P. Henderson, Jr.

Aye 
Thomas C. Leonardo
Council Members

APPROVED this 21st day of May, A.D., 2007, at 6:16 o'clock p.m.

Aye 
Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 21st day of May, A.D., 2007.


Marie Adams, CMC
City Clerk

RESOLUTION NO. 2018-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, APPROVING THE DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT AREA EXPANSION AND THE 2018 DR. MARTIN LUTHER KING JR. AND VERONICA S. SHOEMAKER BOULEVARDS REVITALIZATION PLAN UPDATE WITH A COMPLETION DATE OF JANUARY 20, 2044 FOR REDEVELOPMENT FINANCED BY INCREMENT REVENUES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: The City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as Dr. Martin Luther King Jr. Boulevard Sub-Area 1, Sub-Area 2, Sub-Area 3 and Sub-Area 4 on January 20, 1999; and

WHEREAS: The City Council adopted the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, dated February 2000 on March 20, 2000; and

WHEREAS: The City Council adopted the Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and Implementation Timeline on November 20, 2006; and

WHEREAS: The City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the city known as the Dunbar-Michigan Area, and that the redevelopment, conservation, rehabilitation, or combination thereof is in the public interest on March 26, 2007; and

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WHEREAS: The City Council adopted the Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan and the Dunbar-Michigan Redevelopment Plan Addendum, as the Redevelopment Plan for the Dunbar-Michigan Area on May 21, 2007; and

WHEREAS: The City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the city known as Eastwood Village, and that the redevelopment, conservation, rehabilitation, or combination thereof is in the public interest on October 17, 2005; and

WHEREAS: The City Council adopted the Eastwood Village Redevelopment Plan, dated May 21, 2007 on May 21, 2007; and

WHEREAS: Within one year after adoption of the Dunbar-Michigan Redevelopment Plan Addendum and the Eastwood Village Redevelopment Plan property values declined below base year value; and

WHEREAS: Neither the Dunbar-Michigan Redevelopment Area nor the Eastwood Village Redevelopment Area have generated tax-increment revenue to implement redevelopment plans; and

WHEREAS: The Community Redevelopment Agency and the Community Redevelopment Agency Board desire redevelopment within these areas; and

WHEREAS: The Community Redevelopment Agency Board approved the Finding of Necessity titled "Dr. Martin Luther King, Jr. Boulevard Redevelopment Area Expansion Existing Conditions Report" dated November 2017 prepared by Stantec Consulting Services determining that the Dr. Martin Luther King, Jr. Boulevard Redevelopment Area, the Dunbar-Michigan Redevelopment Area, a portion of the Eastwood Village Redevelopment Area, and the former Velasco Village Redevelopment Area continue to meet the conditions of a blighted area, as defined in Chapter 163, Part III, Florida Statutes; and

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WHEREAS: The Community Redevelopment Agency Board directed on December 4, 2017 that a plan to expand the existing Dr. Martin Luther King, Jr. Boulevard Redevelopment Area and update the Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan to include the areas as recommended in the Dr. Martin Luther King, Jr. Boulevard Redevelopment Area Expansion Existing Conditions Report be prepared; and

WHEREAS: Following community meetings, surveys, and input from residents and business within the Dr. Martin Luther King, Jr. Boulevard Redevelopment Expansion Area, a plan update was prepared by Stantec Consulting Services; and

WHEREAS: The 2018 Dr. Martin Luther King, Jr. Redevelopment Area Expansion, and the Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Update was reviewed and approved by the Community Redevelopment Agency Advisory Board on July 12, 2018, reviewed, and approved by the Community Redevelopment Agency Board on July 25, 2018, and reviewed, and approved by the Planning Board on August 1, 2018; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The 2018 Dr. Martin Luther King, Jr. Redevelopment Area Expansion and Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Update, is hereby

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adopted as the amended redevelopment plan for the areas described. The 2018 Dr. Martin Luther King, Jr. Redevelopment Area Expansion and Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Update is on file in the City Clerk's Office.

2. The 2018 Dr. Martin Luther King, Jr. Redevelopment Area Expansion shall expand the existing Sub-Areas 1, 2, 3, and 4 as described below.
3. The City Council of the City of Fort Myers, Florida, hereby finds that it is in the best interest of the City of Fort Myers to maintain the time certain set forth for completing all redevelopment financed by increment revenues within the area described below. Said date shall be January 20, 2044.
4. The City Council of the City of Fort Myers, Florida, hereby finds that the 2018 Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Update meets the requirements of Chapter 163, Part III, Florida Statutes.
5. The Community Redevelopment Agency is hereby directed to implement the 2018 Dr. Martin Luther King, Jr. and Veronica S. Shoemaker Boulevards Revitalization Plan Update in accordance with its terms.
6. This resolution shall become effective immediately upon adoption.

DESCRIPTION – SUB-AREA 1

A tract or parcel of land lying in Sections 13 and 24, Township 44 South, Range 24 East and Sections 18 and 19, Township 44 South, Range 25 East, being further bound and described as follows:

Beginning at the intersection of Billy's Creek and the East right-of-way line of Raleigh Street; thence run South along said East right-of-way line to an intersection with the North right-of-way line of Michigan Avenue; thence

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run East along said North line to an intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) the East line of the Southwest quarter of said Section 18; thence South along said parallel line to an intersection with the North line of Orange Terrace, as recorded in Plat Book 11, Page 27 of the Public Records of Lee County, Florida; thence West along said North line to the Northwest corner of said Orange Terrace; thence South along the West line of said Orange Terrace to the Southwest corner of said Orange Terrace; thence West along the Westerly prolongation of the South line of said Orange Terrace to an intersection with said East line of the Southwest quarter; thence South along said East line to the Northwest corner of the Northeast quarter of said Section 19; thence East along the North line of said fraction to an intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) the West line of said fraction, said line also being the Northerly prolongation of the East right-of-way line of Ford Street; thence South along said Northerly prolongation and parallel line to an intersection with the Easterly prolongation of the South line of Lot 1 through 16, Block 10, Lincoln Park Division of Fort Myers as recorded in Plat Book 3, Page 43, of said Public Records, passing through the Southeast corner of Lot 15, Block 6, of said Lincoln Park Division of Fort Myers; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 27, Block 8 of said Lincoln Park Division of Fort Myers; thence South along the East line of said Lot 27 to the Southeast corner of said lot and an intersection with the North right-of-way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 26 of said Lincoln Park Division of Fort Myers; thence North along the West line of said Lot 26 to an intersection with said Easterly prolongation; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 17, Block 9 of said Lincoln Park Division of Fort Myers and an intersection with the West right-of-way line of Brown Street; thence South along the East line of said Lot 17 and said West right-of-way line to the Southeast corner of said Lot 17 and an intersection with the North right-of-way line of said Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 20 of said Block 9; thence North along the West line of said Lot 20 to an intersection with said Easterly prolongation; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 17, Block 10 of said Lincoln Park Division of Fort Myers and an intersection with the West right-of-way line of Prince Street; thence South along the East line of said Lot 17 and said West right-of-way line to the Southeast corner of said Lot 17 and an intersection with the said North right-of-way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 18 of said Block 10; thence North along the West line of said Lot 18 to an intersection with said South line of Lot 1 through 16, Block 10; thence Westerly along said South line to the Northeast corner of

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Lot 21 of said Block 10; thence South along the East line of said Lot 21 to the Southeast corner of said Lot and an intersection with said North right-of-way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 26 of said Block 10; thence North along the West line of said Lot to an intersection with said South line; thence Westerly along said South line to an intersection with the East right-of-way line of Palm Avenue; thence south along said East right-of way line to an intersection with the Easterly prolongation of the centerline of an alley running through Block 18, Evans Addition No. 2, as recorded in Plat Book 2, Page 1A of said Public Records; thence Westerly along said Easterly prolongation and said centerline to an intersection with the centerline of Evans Avenue; thence North along said centerline to an intersection with the Westerly prolongation of the North line of an alley running through Block 3, of Evans Addition To Fort Myers, as recorded in Plat Book 1, Page 29 of said Public Records; thence Easterly along said Westerly prolongation and said North line to and intersection with said East right-of-way line of Palm Avenue; thence North along said East right-of-way line to an intersection with said North line of Michigan Avenue; thence East along said North right-of-way line to the Southeast corner of lands described in Instrument Number 2015000000756 of said Public Records; thence North along the East line of said lands to the Northeast corner of said lands and the Southeast corner of lands described in Official Records Book 66, Page 207 of said Public Records; thence North along the East line of said lands to the Southeast corner of Lot 8, Block C, Dean's Subdivision as recorded in Plat Book 4, Page 24, of said Public Records; thence North along the East line of said Dean's Subdivision to an intersection with said Billy's Creek; thence Northeasterly along said Billy's Creek to the Point of Beginning.

DESCRIPTION - SUB-AREA 2

A tract or parcel of land lying in Sections 8, 17, 18, 19, 20 and 21, Township 44 South, Range 25 East, being further bound and described as follows:

Beginning at the intersection of Billy's Creek and the centerline of Marsh Avenue; thence South along said centerline to an intersection with the centerline of Ballard Road; thence East along said centerline to an intersection with the Northerly prolongation of the West line of Benchmark Corporate Park, Phase 2, as recorded in Plat Book 76, Page 80, of the Public Records of Lee County, Florida; thence run South along said Northerly prolongation and said West line to the northwest corner of Benchmark Corporate Park Phase 1, as recorded in Plat Book 42, Page 59, of said Public Records; thence along the West line of said Benchmark Corporate Park Phase 1 to the Northwest corner of said Section 21; thence South along the West line of said section to an intersection with the South right-of-way line of Martin

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Luther King Boulevard; thence East along said South line to an intersection with a line 25.00 feet east of and parallel with (as measured on a perpendicular) the West line of said Section; thence south along said parallel line to an intersection with the "North Parcel" as described in Official Records Book 4138, Page 424, of said Public Records; thence East along said "North Parcel"; thence South along said "North Parcel"; thence West along said "North Parcel"; thence Southwest along said "North Parcel" to an intersection with said parallel line; thence South along said parallel line to an intersection with the Easterly prolongation of the centerline of Canal Street; thence West along said Easterly prolongation and said centerline to an intersection with the centerline of Wright Street; thence North along said centerline to an intersection with the centerline of South Street; thence East along said centerline to an intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) the West line of the Northeast quarter of said Section 19, said line also being the East right-of-way line of Ford Street; thence North along said parallel and East line to an intersection with the South line of the Southeast quarter of said Section 18; thence West along the South line of said fraction to the Southwest corner of said fraction; thence North along the West line of said fraction to an intersection with the Westerly prolongation of Orange Terrace, as recorded in Plat Book 11, Page 27 of said Public Records; thence East along said Westerly prolongation to the Southwest corner of said Orange Terrace; thence North along the West line of said Orange Terrace to the Northwest Corner of said Orange Terrace; thence East along the North line of said Orange Terrace to an intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) the West line of said Northeast Quarter of Section 18; thence North along said parallel line to an intersection with the North right-of-way line of Michigan Avenue; thence West along said North right-of-way line to an intersection with the East right-of-way line of Raleigh Street; thence North to an intersection with Billy's Creek; thence Northeasterly along said Billy's Creek to the Point of Beginning.

DESCRIPTION – SUB-AREA 3

A tract or parcel of land lying in Sections 16, 21 and 22, Township 44 South, Range 25 East, being further bound and described as follows:

Beginning at the Southwest corner of Lot 28, of Benchmark Corporate Park Phase 1, as recorded in Plat Book 42, Page 59, of the Public Records of Lee County, Florida, said point being on the North right-of-way line of Martin Luther King Boulevard; thence North along the West line of said Lot 28 to the Northwest corner of said Lot 28; thence East along the North line of said Lot 28 to an intersection with the South right-of-way line of Cummins Court; thence Easterly along said Cummins Court to the West right-of-way line of Benchmark Avenue; thence South along the West line of said Benchmark Avenue to an angle point; thence East to the Northwest

corner of Lot 1 of said Benchmark Corporate Park Phase 1, said point being on the East right-of-way line of said Benchmark Avenue; thence East along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence South along the East line of said Lot 1 to the Southeast corner of said Lot 1, said point being on the North right-of-way line of Martin Luther King Boulevard; thence Northeasterly to the Northwest corner of lands described in Official Records Book 2063, Page 3744, of said Public Records; thence East along the North line of said lands and the North line of lands described in Official Records Book 2063, Page 1985 of said Public Records to the Northeast corner of said lands; thence South along the East line of said lands described in Official Records Book 2063, Page 1985 and the Southerly prolongation thereof to an intersection with the Southerly right-of-way line of said Martin Luther King Boulevard; thence Southeasterly along said Southerly right-of-way line to an intersection with the Southerly prolongation of the West line of lands described in Instrument Number 2008000187001, of said Public Records; thence North along said Southerly prolongation and said West line to an intersection with the Westerly prolongation of the North line of lands described in Instrument Number 2008000187002, of said Public Records; thence Easterly along said Westerly prolongation and the North line of said lands to the Northeast corner of said lands; thence south along the East line of said lands described in said Instrument Number 2008000187002 and the Southerly prolongation thereof to an intersection with said Southerly right-of-way line of Martin Luther King Boulevard; thence Southeasterly along said Southerly right-of-way to an intersection with the West line of Lot 38 of Pine Crest, as recorded in Plat Book 5, Page 3, of said Public Records; thence North along the West line of said Lot 38 and Lot 27 and Lot 22 of said Pine Crest to the Northwest corner of said Lot 22; thence East along the North line of said Lot 22 and the Easterly prolongation thereof to the Southwest corner of Lot 1, Interstate Park 82 Phase III, as recorded in Instrument Number 2010000224572, of said Public Records; thence North along the West line of said Lot 1 to the Northwest corner of said Lot 1; thence East along the North line of said Lot 1 to the Northeast corner of said Section 21; thence South along the East line of said Section 21 to an intersection with the right-of-way line of Park 82 Drive, Tract "B" of said Interstate Park 82 Phase III; thence Southerly along the Westerly right-of-way of said Park 82 Drive to the Northeast corner of lands described in Official Records Book 4447, Page 2559, of said Public Records; thence West to the Northwest corner of said lands; thence South to the Southwest corner of said lands; thence South to the Northwest corner of Lot 18, Interstate Park 82 - Phase II, as recorded in Plat Book 45, Page 32, of said Public Records; thence Southeasterly along the North line of said Lot 18 and the Easterly prolongation thereof to an intersection with the West line of Lot 10, of said Interstate Park 82 - Phase II; thence North along said West line to

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the Southwest corner of Tract A, of said Interstate Park 82 Phase III; thence Easterly along the South line of said Tract A to the Southeast corner of said Tract A; thence East to an intersection with the East line of Watts Road and an intersection with the West line of lands described in Instrument Number 2016000150892, of said Public Records; thence North along said East and West line to the Northwest corner of said lands; thence East along the North line of said lands to the Northeast corner of said lands; thence South along the East line of said lands to the Northwest corner of lands described in Instrument Number 2005000037508, of said Public Records; thence East along the North line of said lands to the Northeast corner of said lands; thence South along the East line of said lands to the Southeast corner of said lands; thence Southwesterly along the South line of said lands to the Southeast corner of said lands described in Instrument Number 2016000150892; thence Northwesterly along the Southerly line of said lands to a point of tangency; thence Southwesterly to and intersection with the Northerly line of lands described in Instrument Number 2017000217406, of said Public Records; thence Southeasterly and Southerly along said lands to an intersection with the South line of said Section 22; thence West along the South line of said Section to the Southwest corner of said Section; thence North along the West line of said Section to an intersection with the Easterly prolongation of the South line of Lot 2 of Racetrac At Ortiz, as recorded in Instrument Number 2012000164081, of said Public Records; thence Westerly along said prolongation and said South line to an intersection with the West right-of-way line of Ortiz Avenue; thence North along said West right-of-way line to the Southeast corner of lands described in Official Records Book 4416, Page 2439, of said Public Records; thence Northwesterly along the South line of said lands to the Southwest corner of said lands; thence Southwesterly to the Northeasternmost corner of the "North Parcel" as described in Official Records 4138, page 424, of said Public Records, said point lying East of the West line of said Section 21; thence West along said "North Parcel" to and intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) said West line of Section 21; thence North along said parallel line to an intersection with the South right-of-way line of said Martin Luther King Boulevard; thence West along said South right-of-way line to an intersection with the West line of said Section 21; thence North along said West line to the Point of Beginning.

DESCRIPTION – SUB-AREA 4

A tract or parcel of land lying in Section 24, Township 44 South, Range 24 East and Section 19, Township 44 South, Range 25 East, being further bound and described as follows:

Beginning at an intersection with the Easterly prolongation of the South line of Lot 1 through 16, Block 10, Lincoln Park Division of Fort Myers as recorded in Plat Book 3, Page 43, of said Public Records, passing through the Southeast corner of Lot 15, Block 6, of said Lincoln Park Division of Fort Myers; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 27, Block 8 of said Lincoln Park Division of Fort Myers; thence South along the East line of said Lot 27 to the Southeast corner of said lot and an intersection with the North right-of-way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 26 of said Lincoln Park Division of Fort Myers; thence North along the West line of said Lot 26 to an intersection with said Easterly prolongation; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 17, Block 9 of said Lincoln Park Division of Fort Myers and an intersection with the West right-of-way line of Brown Street; thence South along the East line of said Lot 17 and said West right-of-way line to the Southeast corner of said Lot 17 and an intersection with the North right-of way line of said Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 20 of said Block 9; thence North along the West line of said Lot 20 to an intersection with said Easterly prolongation; thence Westerly along said Easterly prolongation to the Northeast corner of Lot 17, Block 10 of said Lincoln Park Division of Fort Myers and an intersection with the West right-of-way line of Prince Street; thence South along the East line of said Lot 17 and said West right-of-way line to the Southeast corner of said Lot 17 and an intersection with the said North right-of way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 18 of said Block 10; thence North along the West line of said Lot 18 to an intersection with said South line of Lot 1 through 16, Block 10; thence Westerly along said South line to the Northeast corner of Lot 21 of said Block 10; thence South along the East line of said Lot 21 to the Southeast corner of said Lot and an intersection with said North right-of-way line of Price Avenue; thence West along said North right-of-way line to the Southwest corner of Lot 26 of said Block 10; thence North along the West line of said Lot to an intersection with said South line; thence Westerly along said South line to an intersection with the East right-of-way line of Palm Avenue; thence south along said East right-of way line to an intersection with the Easterly prolongation of the centerline of an alley running through Block 18, Evans Addition No. 2, as recorded in Plat Book 2, Page 1A of said Public Records; thence Westerly along said Easterly prolongation and said centerline to an intersection with the East right-of-way line of Evans Avenue; thence South along said East right-of-way line to an intersection with the centerline of Edison Avenue; thence East along said centerline to an intersection with the centerline of Prince Street; thence South along said centerline to an intersection with the centerline of South Street; thence

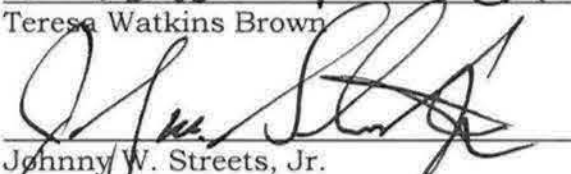
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East along said centerline to an intersection with a line 25.00 feet East of and parallel with (as measured on a perpendicular) the West line of the Northeast quarter of said Section 19, said line also being the East right-of-way line of Ford Street; thence North along said parallel and East line to the Point of Beginning.

PASSED IN PUBLIC SESSION of the City Council of the City of Fort

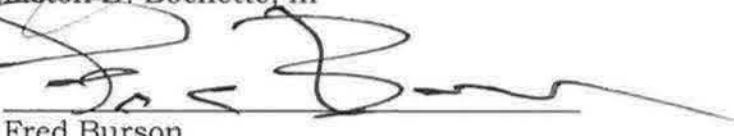
Myers, Florida, this 4th day of September, 2018.


Aye 
Teresa Watkins Brown

Aye 
Johnny W. Streets, Jr.

Aye 
Terolyn P. Watson

Aye 
Liston D. Bochette, III

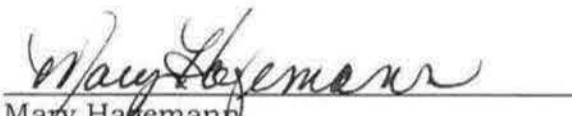
Aye 
Fred Burson

Aye 
Gaile H. Anthony
Council Members

APPROVED this 4th day of September, 2018.

Aye 
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 4th day of
September, 2018.


Mary Hageman
Deputy City Clerk



East Fort Myers (EFM):

Ordinance 3401 created the East Fort Myers Redevelopment Area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT BY CREATING SECTION 26-32 (C)(15) AREA 15. EAST FORT MYERS REDEVELOPMENT AREA, AND SECTION 26-48 EAST FORT MYERS TRUST FUND FOR AREA 15; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2007-30 adopted the East Fort Myers plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE EAST FORT MYERS REVITALIZATION PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 3401

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT BY CREATING SECTION 26-32(c)(15) AREA 15. EAST FORT MYERS REDEVELOPMENT AREA, AND SECTION 26-48 EAST FORT MYERS TRUST FUND FOR AREA 15; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, as amended, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II Community Redevelopment, Section 26-32 Name; purpose; areas, is hereby amended by creating sub section (c)(15) East Fort Myers Redevelopment Area to read as follows:

ORDINANCE NO. 3401

(15) *Area 15. East Fort Myers Redevelopment Area.*

A parcel of land in Lee County, Florida. Beginning at the intersection of Marsh Ave. and Billy's Creek run southwesterly along Billy's Creek to the intersection of Billy's Creek and First St., continuing from the intersection of Billy's Creek and First St. toward the river and continue in northwesterly direction, then follow the river in the northeasterly direction to the intersection of the river and the city limit boundary, then following the city limit boundary in southerly direction until it intersects with Woodside Ave., then west on Woodside Ave. to the intersection of Woodside Ave. and Marsh Avenue, then south on Marsh Ave. to the intersection of Marsh Ave. and Billy's Creek and back to P.O.B.

Subject to easements, restrictions, reservations, and rights-of-way of record.

SECTION 2. The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II Community Redevelopment, Section 26-48. East Fort Myers Trust Fund for area 15 is hereby created to read as follows:

Sec. 26-48. East Fort Myers Trust Fund for area 15.

(a) There is hereby established in accordance with the provisions of F.S. 163.387, a redevelopment trust fund for Area 15, also known as the East Fort Myers, which fund is hereinafter referred to as the East Fort Myers Trust Fund. The financial services director of the city is hereby appointed and designated to administer the East Fort Myers Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the East Fort Myers Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the East Fort Myers Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the

ORDINANCE NO. 3401

undertakings of the agency to carry out redevelopment within area 15.

(b) There shall be annually paid into the East Fort Myers Trust Fund an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of area 15; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in area 15 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to May 21, 2007.

(c) The agency shall annually receive and deposit into the East Fort Myers Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1)(a), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(24).

ORDINANCE NO. 3401

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the East Fort Myers Trust Fund shall commence as of May 21, 2007, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in area 15, if any, and any interest thereon incurred by the agency have been paid. The funding of the East Fort Myers Trust Fund shall continue for the duration of the East Fort Myers Redevelopment Plan, the community redevelopment plan for area 15.

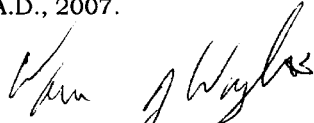
SECTION 3. Severability

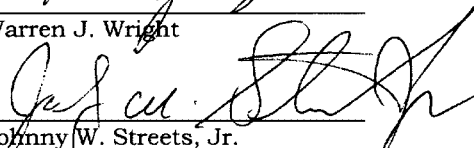
Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

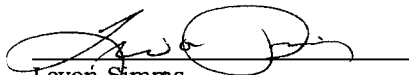
SECTION 4. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 3401

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 21st day of May, A.D., 2007.

Aye 
Warren J. Wright

Aye 
Johnny W. Streets, Jr.

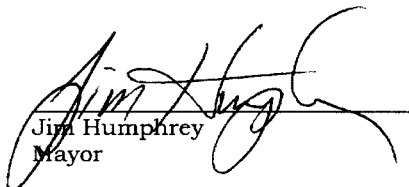
Aye 
Levon Simms

Aye 
Michael Flanders


Randall P. Henderson, Jr.

Aye 
Thomas C. Leonardo
Council Members

APPROVED this 21st day of May, A.D., 2007, at 9:00 o'clock p.m.

Aye 
Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 21st day of May, A.D., 2007.


Marie Adams, CMC
City Clerk

RESOLUTION NO. 2007-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING THE EAST FORT MYERS REVITALIZATION AND REDEVELOPMENT PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: On March 26, 2007, the City Council adopted a resolution finding that a blighted area, as defined in Chapter 163, Part III, Florida Statutes, exists in that portion of the City known as East Fort Myers, and that the redevelopment, conservation, rehabilitation or combination thereof is in the public interest, and

WHEREAS: The City has prepared a redevelopment plan for East Fort Myers known as the East Fort Myers Revitalization and Redevelopment Plan has been found consistent with the Comprehensive Plan and recommended for approval by the Planning Board, and

WHEREAS: The East Fort Myers Revitalization and Redevelopment Plan will be used as a guide for community redevelopment for the area.

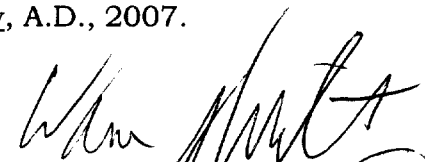
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The East Fort Myers Revitalization and Redevelopment Plan, dated May 21, 2007, is hereby adopted as the plan for community redevelopment in East Fort Myers.
2. This resolution shall become effective immediately upon adoption.

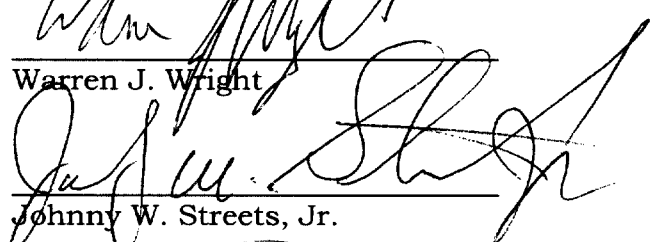
RESOLUTION NO. 2007-30

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 21st day of May, A.D., 2007.

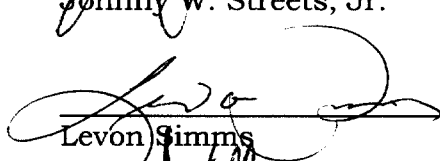
Aye


Warren J. Wright

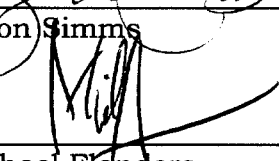
Aye


Johnny W. Streets, Jr.

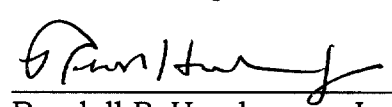
Aye


Levon Simms

Aye


Michael Flanders

Aye

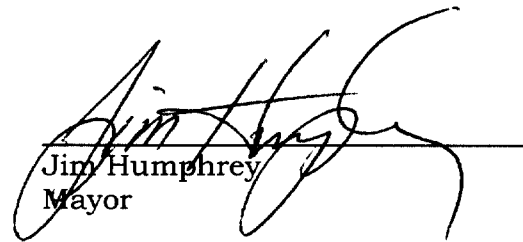

Randall P. Henderson, Jr.

Aye

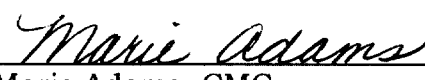

Thomas C. Leonardo
Council Members

APPROVED this 21st day of May, A.D., 2007, at 8:17 o'clock p.m.

Aye


Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 21st day of May, A.D., 2007.


Marie Adams, CMC
City Clerk

Westwood:

Ordinance 2580 established the Westwood Redevelopment Area

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE BY REVISING CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR A NEW REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2840 amended the boundary of the Westwood area

AN ORDINANCE OF THE CITY COUNCIL OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY REVISING SECTION 2-222 (C)(5) WESTWOOD REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2580

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE BY REVISING CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR A NEW REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. Chapter 2, Article VI, Section 2-53 of the Code of Ordinances of the City is hereby amended by creating a new subsection 2-53(c)(5) as hereinafter set out:

The following described area is found lying in Section 29, Township 44, Range 25, Lee County, Florida, being more particularly described as follows:

Beginning at the northwest corner of Lot 3, Block 4 of South Side Gardens, a subdivision recorded in Plat Book , Page 18 of the Public Records of Lee County, Florida; thence southerly 3600 feet to the North Colonial Waterway drainage

ORDINANCE NO. 2580

easement as recorded by the City of Fort Myers, Lee County, Florida, Official Record 1886, Page 0536, where it abuts the southwest edge of Lot 7, Block 8 of South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida; thence easterly continuing 4640 feet along said North Colonial Waterway Easement, additionally recorded in City of Fort Myers, Lee County, Florida, Official Record 1763, Page 4426, and Official Record 1886, Page 0538, to the east right-of-way line of Pear Street, recorded in the Homewood Subdivision, Plat Book 7, Page 52 of the Public Records of Lee County, Florida; thence northerly along said east right-of-way of Pear Street for a distance of 3600 feet, where the west right-of-way line abuts the northeast corner of Lot 3, Block 11 of the South Side Gardens Subdivision, recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida; thence westerly 4640 feet to the point of origin, the northwest corner of Lot 3, Block 4 South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida.

The above area includes the following: Lots 3, 6, and 7 of Block 4; Lots 2, 3, 6, and 7 of Blocks 5 and 8; Lots 3, 4, 5, 6, 7, and 8 of Blocks 3, 11 and 12; Blocks 6, 13, 14, 15, 16, and 17 inclusive of the South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida. It also includes Blocks 1 through 25 inclusive of Homewood, according to the Plat thereof as recorded in Plat Book 7, Page 52 of the Public Records of Lee County, Florida. The total acreage of the above area is 384 acres.

SECTION 2. Chapter 2, Article VI, of the Code of Ordinances is hereby amended by creating Section 2-55.2, Redevelopment Trust Funds for Area 5, as hereinafter set out:

Section 2-55.2 Redevelopment Trust Fund for Area 5.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 5, also known as Westwood, which fund is hereinafter referred to as the Westwood Trust Fund. The Director of Finance of the City is hereby appointed and designated to administer the Westwood Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Westwood Trust Fund in accordance with applicable laws, ordinances, resolutions and

ORDINANCE NO. 2580

directives of the Agency. The monies allocated to and deposited into the Westwood Trust Fund are hereby appropriated to and may only be used by the Agency to pay the costs of and to finance the undertakings of the Agency to carry out redevelopment within Area 5.

(b) There shall be annually paid into the Westwood Trust Fund, an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (1) The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 5; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 5 as shown upon the most recent interim assessment roll of taxable real property in Area 5, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to August 6, 1990.

ORDINANCE NO. 2580

(c) The Agency shall annually receive and deposit into the Westwood Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Westwood Trust Fund shall commence as of August 6, 1990 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 5, if any, and any interest thereon incurred by the Agency have been paid.

(e) The Funding of the Westwood Trust Fund shall continue for the duration of the Westwood Community Redevelopment Plan, the community redevelopment plan for Area 5.

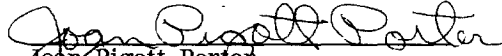
SECTION 3. Severability


Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

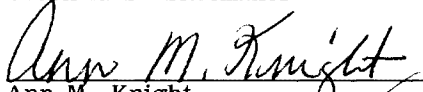
SECTION 4. This ordinance shall become effective immediately upon adoption.

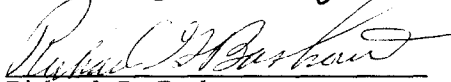
ORDINANCE NO. 2580


PASSED IN PUBLIC SESSION of the City Council of the City of
Fort Myers, Florida, this 5th day of November, A.D., 1990


Joan Pigott Porter

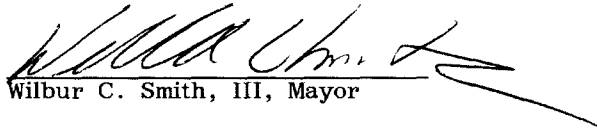

Veronica S. Shoemaker


Ann M. Knight


Richard G. Bashaw


Bruce Grady
Council Members

APPROVED this 5th day of November, A.D., 1990 at
8:50 o'clock p.m.


Wilbur C. Smith, III, Mayor

FILED in the Office of the City Clerk this 5th day of
November, 1990


Marie Adams, City Clerk

ORDINANCE NO. 2840

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY REVISING SECTION 2-222(c)(5) WESTWOOD REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. Chapter 2, Article VI Community Redevelopment, Section 2-222 Name and purpose, sub-section (c)(5) of the City Code is hereby amended to read as follows:

(c)(5) Area 5 Westwood Redevelopment:
The following described area is found lying in Section 29, Township 44 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

ORDINANCE NO. 2840

Beginning at the Northwest corner of Lot 3, Block 4 of South Side Gardens, a subdivision recorded in Plat Book 3, Page 18, of the Public Records of Lee County, Florida; thence Southerly 3600 feet to the North Colonial Waterway drainage easement as recorded by the City of Fort Myers, Lee County, Florida, Official Record Book 1886, Page 0536, where it abuts the Southwest edge of Lot 7, Block 8 of South Side Gardens, a subdivision recorded in Plat Book 3, Page 18, of the Public Records of Lee County, Florida; thence Easterly continuing 4,640 feet along said North Colonial Waterway Easement, additionally recorded in City of Fort Myers, Lee County, Florida, Official Record 1763, Page 4426, and Official Record 1886, Page 0538, to the East right-of-way line of Pear Street, recorded in the Homewood Subdivision, Plat Book 7, Page 52, of the Public Records of Lee County, Florida; thence Northerly along said East right-of-way line of Pear Street for a distance of 3600 feet, where the West right-of-way line abuts the Northeast corner of Lot 3, Block 11 of the South Side Gardens Subdivision, recorded in Plat Book 3, Page 18, of the Public Records of Lee County, Florida; thence Westerly 4640 feet to the point of origin, the Northwest corner of Lot 3, Block 4 South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida.

The above area includes the following: Lots 3, 6, and 7 of Block 4; Lots 2, 3, 6, and 7 of Blocks 5 and 8; Lots 3, 4, 5, 6, 7, and 8 of Blocks 3, 11 and 12; Blocks 6, 13, 14, 15, 16, and 17 inclusive of the South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida. It also includes Blocks 1 through 25 inclusive of Homewood, according to the Plat thereof as recorded in Plat Book 7, Page 52 of the Public Records of Lee County, Florida. The total acreage of the above area is 384 acres.

PLUS, The following area found in Section 32, Township 44 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Serena Park Subdivision, Blocks A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S & T, Plat Book 7, Page 27, as found in Lee County records.

PLUS, Lot 32-44-25-P2-00063.0020, as described on O.R. Book 1993, Page 2230, Lee County records.

PLUS, Lot 32-44-25-P1-00063.0000, more particularly described as follows: Suburban Estates, Plat Book 8, Page 24, less O.R. Book 1993, Page 2230 & 2284; O.R. Book 2014 Page 4354; O.R. Book 2027, Page 2442; and O.R. 2035, Page 4196, Lee County records.

SECTION 2. Severability.

Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ORDINANCE NO. 2840

SECTION 3. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 2840

PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of April, A.D., 1998.

<u>AYE</u>	<u><i>Dr. W. Robert Anderson</i></u> Dr. W. Robert Anderson
<u>AYE</u>	<u><i>Veronica S. Shoemaker</i></u> Veronica S. Shoemaker
<u>AYE</u>	<u><i>Ann M. Knight</i></u> Ann M. Knight
<u>AYE</u>	<u><i>Richard G. Bashaw</i></u> Richard G. Bashaw
<u>AYE</u>	<u><i>Brenda S. Brewer</i></u> Brenda S. Brewer Council Members

APPROVED this 6th day of April, A.D., 1998, at 9:23
o'clock p.m.

Bruce Grady
Bruce Grady, Mayor

FILED in the Office of the City Clerk this 6th day of April,
1998.

Marie Adams
Marie Adams, City Clerk

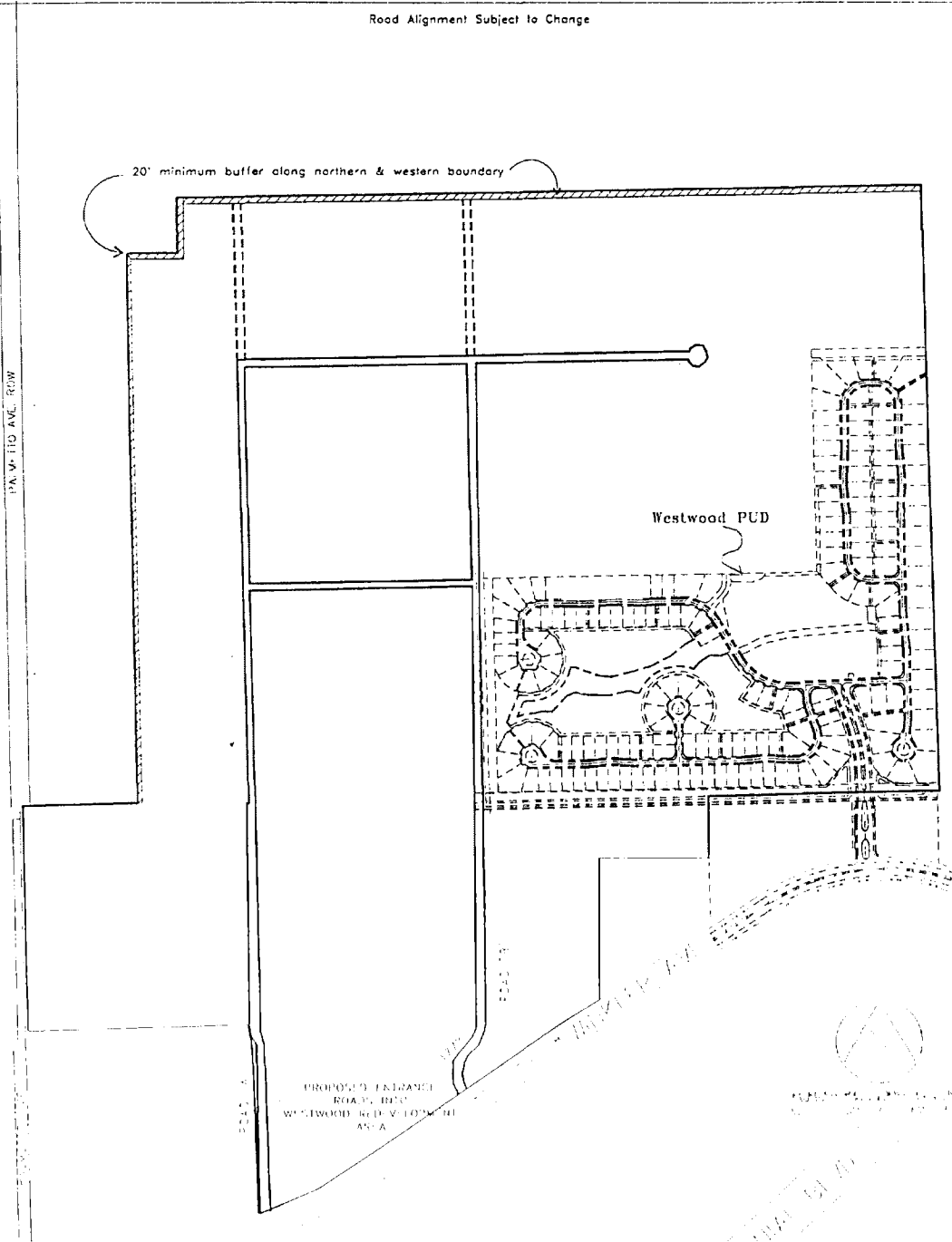
Westwood Redevelopment Plan



Prepared By
Fort Myers
Planning Department
January 1990

Conceptual Site Plan

Road Alignment Subject to Change



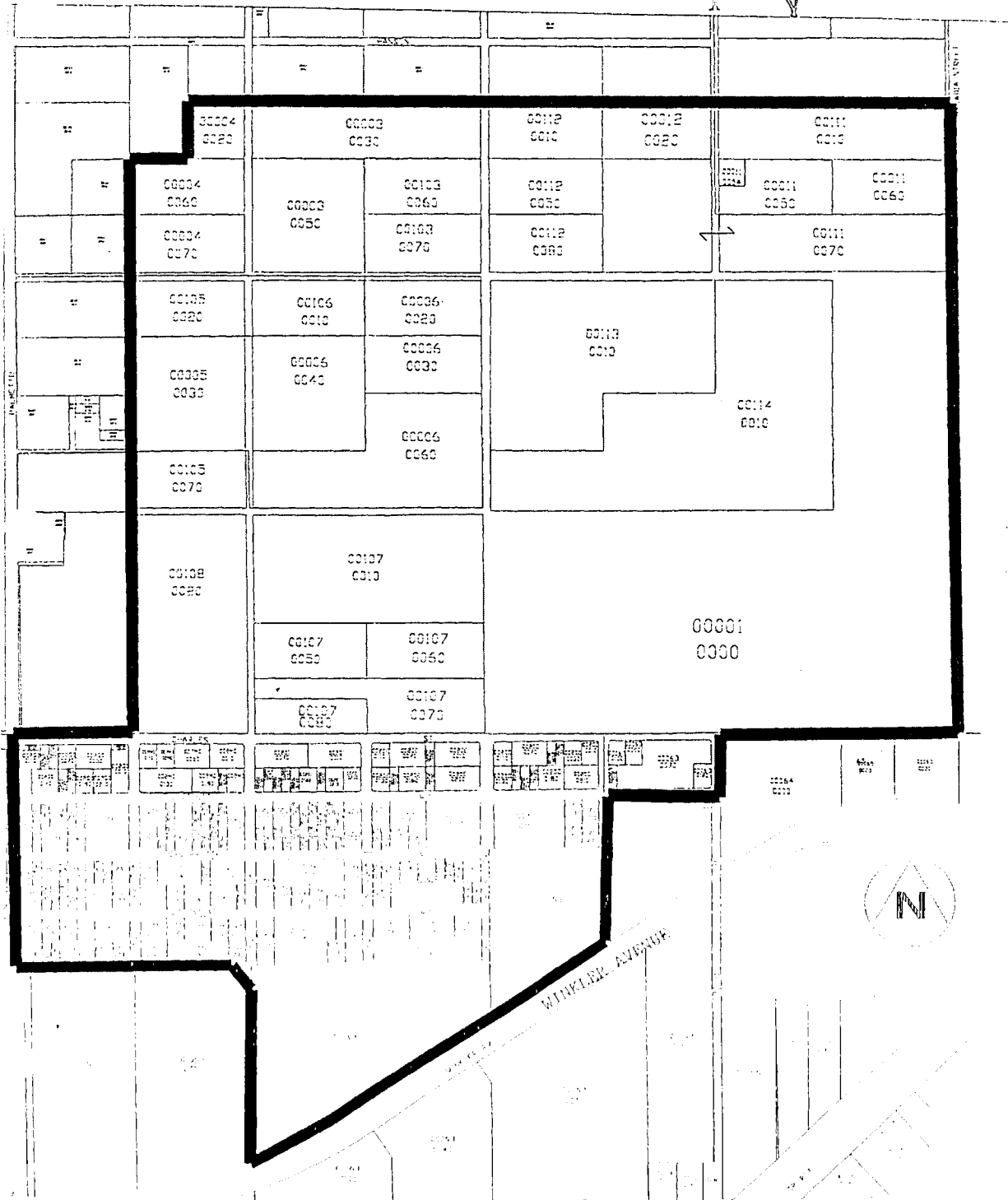
PROPOSED INTERCHANGE
RGA 110
WESTWOOD REDEVELOPMENT
AN-A

PLANNING DEPARTMENT
CITY OF FORT MYERS
1000 CENTRAL AVENUE
FORT MYERS, FL 33901
TEL: 335-1234

Westwood Redevelopment Plan Parcel Location Map



Prepared by
Fort Myers Planning Department
January 1998



WINKLER AVENUE

CRA Incentives



FEBRUARY 2022

**Community Redevelopment Agency
Fort Myers, FL**



Commercial Property Improvement Grant

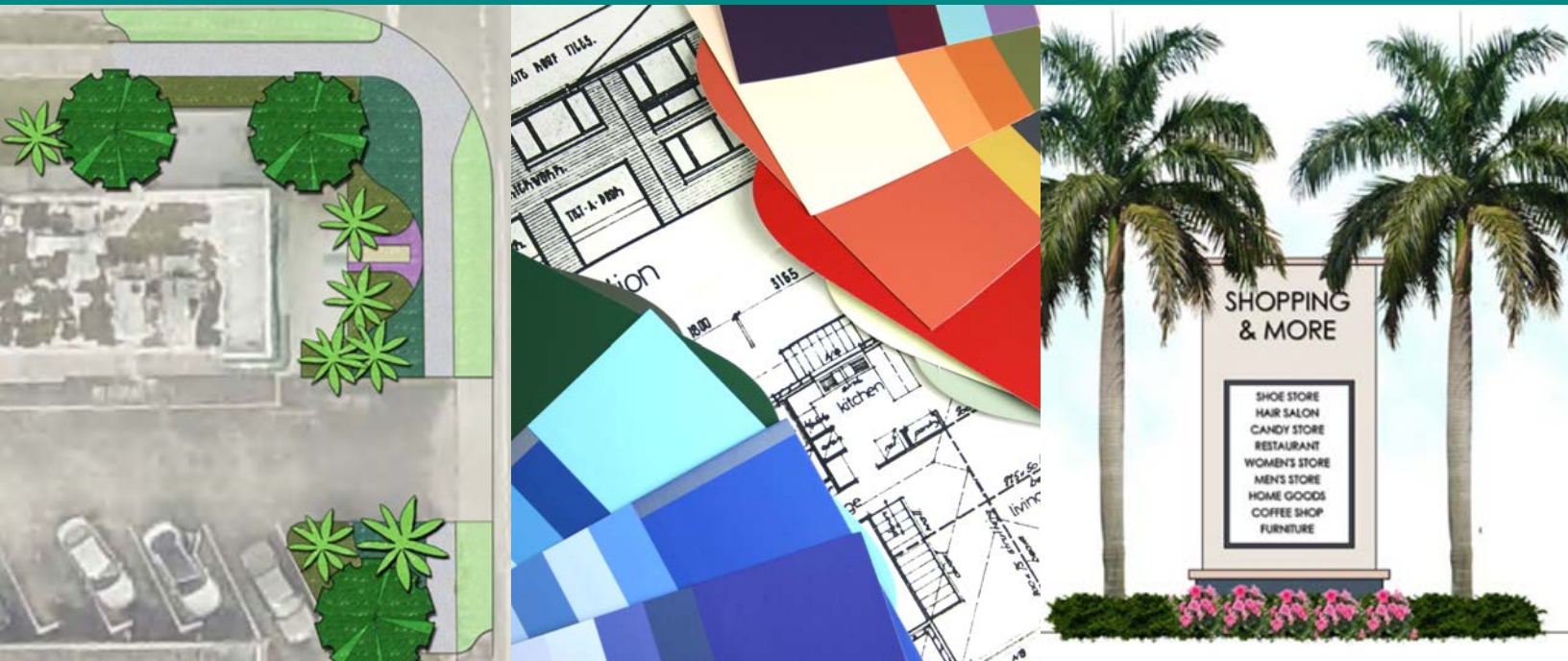
Ongoing Program

Matching grant funding for improvements to the exterior of commercial properties. Improvements include building façade, landscape, awnings, lighting, and painting.



FORT MYERS COMMUNITY REDEVELOPMENT AGENCY

COMMERCIAL PROPERTY IMPROVEMENT GRANT PROGRAM





Quick Guide to Fort Myers CRA Commercial Property Improvement Matching Grant program

Overview

For many years, Fort Myers Community Redevelopment Agency (CRA) has offered programs like this to encourage to cure or prevent slum and blighted conditions impacting our community. When leveraged, matching grant programs can spur private investment.

Fort Myers CRA's Program Goals:

1. To cure or prevent blighted and slum-conditions within all CRA redevelopment areas.
2. To increase the property values within CRA all redevelopment areas.
3. To fill vacant or underutilized spaces within all CRA redevelopment areas.
4. To encourage adaptive reuse and revitalization of commercial corridors within all CRA redevelopment areas.
5. To improve the curb appeal of commercial corridors within all CRA redevelopment areas.

General Eligibility



OWNERSHIP

Applicant must be the property owner(s) or a tenant with at least a five (5) year lease.



LOCATION

The project must be located within one of the redevelopment districts



TYPE OF BUSINESS

Retail, commercial and mixed-uses are preferred



CODE ENFORCEMENT

Applicants must verify that there are no code enforcement actions currently active against the property.



PROPERTY TAXES

Property taxes, including both City and County, must be current.

Funding

The grant funds should enhance the project's quality, the overall curb appeal of the property, and, ultimately, the property values along the corridor. This program's desired outcomes and objectives are to encourage improvements that may not have occurred without the additional grant funds.

Funding through this program is subject to the availability of funding and the discretion of the Fort Myers CRA Board of Commissioners. The maximum potential grant available is 50% of the total project cost, not-to-exceed \$50,000.00.

Note: Funding through this program, if approved, shall only be in the form of a reimbursable matching grant. Once the award amount is determined the award amount is final.

Note: All disbursements of grant funds are made following written request and submission of supporting backup materials, e.g., after-photos, receipts, paid invoices, or check receipts, and following CRA verification of completion of work and, if applicable, closed permits.

Consideration Factors

- Visual impact on the corridor
- Impact to expenditure
- Impact on property values
- Level of consistency with the plan
- Amount of private investment
- Availability of CRA increment/funds

Application Process

1. Pre-Application meeting with CRA staff to determine preliminary eligibility and application requirements Gather necessary material & documentation
2. If needed, Pre-Application meeting with City staff for permit requirements, which Applicant will arrange
3. Present if required to the CRA Advisory Board and/or Commission.
4. Secure permits as required
5. Complete work. Submit a letter requesting disbursement and supporting documents, e.g., after-photos, proof of expenses: receipts, paid invoices, or check receipts

Applicant/ Project Eligibility

To be eligible for funding through this the program, a project must meet the following criteria to be considered for a matching grant:

Ownership: Applicant must be the property owner(s) or a tenant with at least a five (5) year lease. If the Applicant is a tenant, they must have written permission from the property owner to apply (please ensure that the Owner's affidavit section of the application is completed).

Location: The project must be located within one of the redevelopment areas shown on the map (see next page). Priority will be given to buildings or properties which directly front a major thoroughfare.

Type of Business: Retail, commercial and mixed uses are preferred. Non-conforming uses in the redevelopment area shall not be eligible.

Code Enforcement: Applicants must verify that there are no code enforcement actions currently active against the Property. The Applicant shall also be subject to all applicable requirements of the City's Land Development Regulations for site development in effect at the time of development. Applicants will also be responsible for obtaining all appropriate permits and inspections associated with the construction process.

Property Taxes: Property taxes, including both City and County, must be current.

Incomplete Applications: Incomplete applications will not be considered.

Nondiscrimination Clause:

Nondiscrimination Clause: The Matching Grant Program shall be available to anyone meeting the program qualifications, and no one shall be denied the benefits of the said program because of race, color, national origin, or sex.

Required Application Materials

The following documents and items must be submitted and/ or completed be for the CRA will consider this application for consideration for funding:

- Fully executed Grant Application; and Typed scope of work letter to Fort Myers CRA detailing work, items, and materials that that funding will cover and other information pertinent to your request
- Fully executed and notarized copy of the Owners' Affidavit form, including property description and property address. If the forms are prepared and signed by a representative of the Owner, a legal Power-of-Attorney document must be submitted with the application
- Conceptual renderings of building façade; and Photographs of the front, rear, and both sides of the building and Property as they exist today (Photographs must be digital and print a minimum of 8" x 10" and must be full frame. The entire building must be in the photo that you submit.)

Additional information may be requested from the Applicant, based upon the proposed improvements.

Eligible Expenditures

The following expenditures would be considered eligible for reimbursement under the Matching Grant Program:

- Removal and/or repair or replace deteriorated exterior building materials such as plywood, metal, glass, or stucco.
- Painting building exterior
- New or replacement woodwork or architectural details on the exterior
- Exterior signs (including the removal of old signs and installation of new signs)
- Awnings (including the removal of old awnings or installation of new ones)
- Exterior Landscaping, planters, irrigation, and screening
- The lighting of the exterior
- Brick or textured pavement (exterior)
- Professional design services for exterior improvements
- Parking lot improvements
- Courtyard and outside dining design & development
- Dumpster enclosures

Ineligible Expenditures

The following expenditures would not be eligible for reimbursement under the Matching Grant Program:

- Improvements made before grant approval
- Interior renovations, including fixtures, equipment, or inventory
- Professional design services for interior improvements
- Roof repairs
- Refinancing existing debts
- Removal of curb cuts
- Non-fixed improvements
- Sweat equity payments
- Business Payroll
- General maintenance
- Mechanical, electrical, and plumbing (HVAC, security systems, piping, etc.) Utilities
- Legal fees
- Work performed that is not consistent with the Design Guidelines for the CRA according to the Redevelopment Plan and Fort Myers Land Use and Development Regulations or not consistent with the approved project plan
- Improvements to the following are ineligible for funding: discouraged or prohibited uses, tax-exempt properties, government-owned property, and non-conforming uses

The CRA Board reserves the right to modify or alter the list of eligible and ineligible expenses on a project-by-project basis.



Commercial Property Improvement Grant Program Application

1. Property Owner Information

First Name : _____ Last Name: _____

Title: _____ Email: _____

Phone Number: _____

Mailing Address: _____

2. Applicant Information (if different from owner)

First Name : _____ Last Name: _____

Title: _____ Email: _____

Phone Number: _____

Mailing Address: _____

Are you the tenant/ do you lease the property where project is located? _____

If yes, please attach copy of lease to application.

3. Grant and Proposed Project Details

Anticipated Cost of All Improvements on Site: \$ _____

Anticipated Amount to be Requested from CRA: \$ _____

Anticipated start date of work _____

Anticipated completion date of work _____

Current assessed value before work \$ _____

Projected assessed value after work \$ _____

7. Grant Application Checklist

The following documents and items must be submitted and/ or completed be for the CRA will consider this application for consideration for funding:

- Fully executed Grant Application form
- Completed narrative/section 4 of this application packet
- Fully executed and notarized copy of the Owners' Affidavit form, including property description and property address. If the forms are prepared and signed by a representative of the Owner, a legal Power-of-Attorney document must be submitted with application
- Conceptual renderings of building façade
- Photographs of the front, rear and both sides of the building and property as they exist today (Photographs must be a minimum of 8" x 10" and must be full frame. Full frame means that the entire building must be in the photo that you submit. Electronic version of the photographs will need to be submitted as well.)

Additional information may be requested from the Applicant, based upon the proposed improvements.

After pre-application meetings have been held with the CRA and Community Development and a project has been deemed eligible to apply for grant funds, please submit two (2) copies of the complete Grant Application package along with one electronic copy must be submitted to the Fort Myers Community Redevelopment Agency, located at 1400 Jackson Street, Ste. 102, Fort Myers, Florida 33901.



Property Improvement Grant Programs can help attract new residential and retail interest and developments

8. Disclaimer

Neither the Fort Myers Community Redevelopment Agency, nor the City of Fort Myers or their affiliates shall be responsible for the planning, design, or construction of improvements to property that is owned by the applicant.

No warranties or guarantees are expressed or implied by the description of application for or participation in Matching Grant Program.

The applicant is advised to consult with licensed architects, engineers, or building contractors and attorneys before proceeding with final plans or construction.

I hereby submit this form and all required attachments as application to the Fort Myers Community Redevelopment Agency (CRA) to be considered for a matching grant under the CRA's Cleveland Avenue Redevelopment Area Commercial Property Improvement Grant Program. I understand that no work may be performed nor any contracts for work or drawings entered by the property owner(s) or their agent(s) until approval of this request is received in writing from the CRA. I further understand the CRA Board has, at its sole discretion, the right to final determination for all aspects of the Matching Grant Program. This final determination may include, but not be limited to, ranking of applicants, final amount granted to any applicant, applications to be funded, all conditions of funding, approval of all architectural plans and materials to be used in any construction.

_____	_____	_____	_____
Applicant Signature	Date	Witness Signature	Date

_____	_____	_____	_____
Co-applicant Signature	Date	Witness Signature	Date

_____	_____	_____	_____
Property Owner Signature	Date	Witness Signature	Date

Owners' Affidavit

STATE OF FLORIDA
COUNTY OF LEE

Before me, the undersigned authority, this day personally appeared

Who, duly sworn, upon oath, deposes and says:

1. That he /she is the owner or duly authorized representative of all owners requesting approval of façade grant for the property described below.
2. In case of a representative that all owners that he/she represents have given their full and complete permission for him/her to act in their behalf for the above sated request.
3. That the following description set forth in this document is made a part of this affidavit and contains each of the current owners' names, address, telephone and e-mail address, and the mailing addresses and legal descriptions for the real property, of which he is the owner or representative.
4. That he/she understands that in order for the request for grant funding to be approved, he/she must agree to work with and follow the recommendations of the Community Redevelopment Agency. He/she also understands that monies granted on a reimbursement basis; following completion of all façade improvement work and that improvements/changes not approved by the CRA will not be funded.
5. That reimbursement of cost of approved façade work under this program will result in the placement of a lien upon the property pursuant to the requirement of the Matching Grant Program and the ultimate Agreement.
6. In consideration of the grant awarded by the Community Redevelopment Agency to the owner(s) and any other applicants(s) of the property described below, the owner(s) and any other applicant(s) agree to indemnify, defend and hold harmless the Community Redevelopment Agency and its officers, employees and agents against any claims resulting from anything occurring under the Façade Grant Agreement whether by the owner(s) and any other Applicant(s) or the Agency, and the costs of any such defense including reasonable attorney's fees.

Signature: _____

Printed Name: _____

Address of Affiant: _____

Address of Property Owner: _____

Telephone Number: _____

Telephone Number: _____

Email: _____

Email: _____

Strap Number(s): _____

Property Address(es): _____

Sworn to and Subscribed before me this _____ day of _____ 20_____

Micro-Enterprise Emergency Loan

Temporary Program

Focused on the Dr. Martin Luther King, Jr., Downtown, and Cleveland redevelopment areas, this microgrant program provided temporary assistance for struggling small businesses and was designed to aid in the recovery effort. The scope of the program was expanded to include business impacted by the Florida Department of Transportation's roadway construction along the Cleveland Avenue corridor.



Program Administrator
Leigh Scrabis, Program Manager
Catalyst Community Capital, Inc.
leigh@catalystcd.com
239-209-4283

Contact
Renee Turbeville,
Redevelopment Specialist
Fort Myers CRA
239-321-7100

Small Business Temporary Assistance

Microenterprise Emergency Loan Program

Since the pandemic first began, COVID-19 has had a devastating impact on the Fort Myers small business community. Recognizing the need to provide temporary assistance to the small businesses located within the **Cleveland Avenue, Dr. Martin Luther King, Jr. Blvd. and Downtown redevelopment areas**, the Fort Myers CRA created this Loan Program. It operates on a **first-come, first-served basis** intended to provide much-needed assistance to a limited number of businesses meeting the eligibility criteria.

Program Overview

Apply now for a small business recovery forgivable loan up to \$10,000. These loans are designed to aid businesses with eligible expenses during the unprecedented times of COVID-19.

Eligible Use of Proceeds

- **Operating capital** for staff salaries, leasing space, and utilities.
- **Purchasing inventory, supplies, computer programs** related to business (i.e., design, accounting, and inventory control) or **furniture, fixtures and equipment**.
- **Rehabilitation of owner-occupied or leased space** (tenant improvements), including engineering, architectural, and local permits or fees.
- **Equipment purchases** (with or without installation costs).
- **Marketing materials and advertising**, including website development and servicing.
- **Personal protective equipment**.
- **Cleaning supplies**.
- **Set up for online delivery system equipment**.

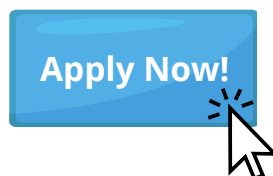
Eligibility Criteria

- Business must have been in existence for at least two (2) years.
- Business must have a minimum of two (2) employees (one of which may be the business owner) and may not have more than 10 employees, including the owner.
- Business must be located within the Cleveland Avenue, Dr. Martin Luther King, Jr. Blvd., or Downtown redevelopment areas of the City of Fort Myers.
- Business must be current with all city, county, state, and federal financial obligations, including taxes.
- Business must be able to show a demonstrable loss of income due to COVID-19.
- Business owner must be open to the option of working one-on-one with a business counselor.

Funds are limited!

Loans will be issued on a first come, first served basis.

<https://cityftmyers.com/1239/Incentives>



Home Preservation Program

Ongoing Program

In partnership with Habitat for Humanity, the FMCRA offers home preservation activities to eligible households. Homeowners with outstanding code violations may qualify to have repairs completed by Habitat for Humanity. The maximum allotment per home project is \$25,000.



QUICK GUIDE TO FORT MYERS CRA HOME PRESERVATION PROGRAM

Purpose of Program

Habitat for Humanity of Lee and Hendry Counties and Fort Myers Community Redevelopment Agency have partnered to offer home preservation activities to eligible households.

Benefits

Homeowners with outstanding code violations may qualify to have projects/repairs completed by Habitat for Humanity.

General Eligibility

- All property owners must be included as applicant or co-applicant.
- Household must meet income guidelines. These limits are based on the income and assets of **all** residents in the household regardless of relationship and adjusted on an annual basis.

Lee County, Florida	
Income Guidelines Chart (2020)*	
Your annual income may not exceed	
Household Size	Low 80% AMI
1	\$38,600
2	\$44,100
3	\$49,600
4	\$55,100
5	\$59,550
6	\$63,950

*Changes annually

- All adult household members must pass criminal background check.
- Property must have at least one open code violation or have been referred by the Fort Myers CRA.

Additional Mortgage Eligibility

- Home value may not exceed \$283,348 (LEOPA value)
- Mortgage payments must be current
- No reverse mortgages
- Homeowner must NOT have any unpaid property tax lien, IRS lien or judgment of any kind

Application Process

- Homeowner will submit the application with necessary back up documentation to Habitat for Humanity of Lee and Hendry Counties.
- The application packet can be hand delivered (M-F 9am-5pm) or mailed to:
 Habitat for Humanity
 Attn: Home Preservation Program
 1288 N. Tamiami Trail
 N. Fort Myers, FL 33903
- Incomplete applications will not be processed
- All eligible applications will be presented to the Project Selection Committee

Funding

Qualified homeowners will receive a grant in the form of a forgivable lien. Homeowner will not be required to make any payments unless they relocate, refinance or sell their home before the mortgage is forgiven (5 years after project completion).

Eligible Repairs

See Eligible Projects List attached

Maximum Assistance

Maximum assistance is \$25,000.

Application and Program Information

Applications may be picked up at the Habitat office.

Submission of an eligible application does not ensure you will be awarded funding. Funding is limited and is awarded based on greatest need.

Background check fee of \$50 for all selected projects.

PLEASE BE ADVISED THAT THIS DOCUMENT **DOES NOT INCLUDE ALL REQUIREMENTS** FOR THIS PROGRAM AND IT IS SUBJECT TO CHANGE AT ANYTIME AT THE DIRECTION OF PROGRAM ADMINISTRATORS.



FORT MYERS CRA OWNER-OCCUPIED HOME PRESERVATION PROGRAM

PROCESS SUMMARY

1. Fort Myers Community Redevelopment Agency (Fort Myers CRA) will provide Habitat for Humanity of Lee and Hendry Counties (Habitat) with a list of homes that are eligible to receive CRA funding

Eligible Homes

- Within areas designated by Fort Myers CRA
- Has outstanding code violations
- Occupied by homeowner
- Not a mobile home
- Home value may not exceed \$283,348 (LEEPA value)
- Homes which previously received grant funds are still eligible

2. Habitat will promote the program and distribute applications to the homeowners

Eligible Homeowner

- All property owners must be included as applicant or co-applicant
- Must be low-income household (below 80% area median income AMI)
 - Household will self-certify annual income
- All adult household members must pass criminal background check (see attached Background Check Score Sheet)
- Mortgage payments must be current (no reverse mortgages)
- Must not have any unpaid property tax liens, IRS lien or judgment of any kind

3. Habitat will collect and process applications

- Homeowner will submit the application with necessary back up documentation to Habitat by mail or in person
- All eligible applications will be presented to the Project Selection Committee (Habitat Family Services and Construction leadership staff) for review
- \$50 Background Screening Fee for selected projects

4. Eligible Projects

- Roof repair or replacement
- Electrical service or equipment (exterior only)
- Garage repair/ Carport or enclosure (per inspection only)
- Landscape and irrigation
- Stucco, façade, or gutter repair
- Community unity projects e.g., clean-up, mailbox, or curb appeal projects (must have three or more participants).

- Exterior light fixtures (replace what is removed/needed)
 - Painting or protective covering for exterior walls and façade
 - Soffit/ceilings repair (exterior only)
 - Driveways (repair or installations)
 - Porches or exterior steps
 - Removal of junk vehicles and/or yard debris
 - Screen installation, replacement, or repair
 - Storm damage to exterior walls caused by disaster (plaster, patching, drywall)
 - Fence repair, removal, or replacement
 - Window repair or replacement
5. Habitat will prepare scope of work and cost estimates for Fort Myers CRA approval
 - Outlines what, if any, work will be performed by volunteers
 - Includes 15% administrative fee to Habitat
 6. Habitat will enter into a repair agreement with homeowner and prepare lien documents
 - Homeowner will sign the repair agreement and lien documents before work begins
 - Change orders require Fort Myers CRA approval, homeowner approval and updated documents
 7. Habitat will perform repairs through use of staff, subcontractors and volunteers
 - Best efforts will be made to use local subcontractors when necessary
 8. Upon completion
 - Homeowner will sign Certification of Completion
 - Habitat will prepare final cost “invoice” and submit it to Fort Myers CRA for payment
 - Habitat will record lien document with Lee County Clerk
 - Habitat will retain project file and provide Fort Myers CRA with “closeout packet”
 9. Donation Lien Agreement
 - No lien required for projects under \$5,000
 - Recorded with Lee County Clerk
 - No annual reduction
 - Forgiven after 5 years
 - Only payable if homeowner sells, refinances, no longer maintains homestead exemption , or defaults on mortgage
 10. Reporting
 - Habitat will provide a closeout package on each project
 - Habitat will provide quarterly reports to Fort Myers CRA
 - Summary of completed projects
 - Status of current projects
 11. Application Checklist
 - Application and additional forms for all household members 18 and older
 - Owner-occupied Home Repair/ Preservation Application completed
 - Application signed by all household members 18 and older
 - Self-Certification of Annual Income-include all household members 18 and older
 - Copy of Valid Photo I.D. for all household members 18 and older
 - Proof that you are current on your mortgage payments (if applicable)
 - Most recent mortgage statement

Job Creation-Talent Attraction Program

Ongoing Program

This program provides grants for companies that create or relocate and retain full-time, high-wage employees in targeted industries.

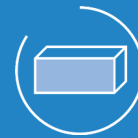
FORT MYERS CRA JOB CREATION & TALENT ATTRACTION program



Targeted Industries



Research & Development
in the physical, engineering,
computer or life sciences



**Light Assembly, Packaging &
Fabrication** associated with research
and development in the physical,
engineering, computer or life sciences



**Software, Computing &
Technology**



Light Manufacturing



General Office

PURPOSE

The program will incentivize the creation and retention of full time employment within the Fort Myers Community Redevelopment Areas (RA) by offering a grant payment to companies that create or relocate high wage full time jobs within a RA.*

OBJECTIVES

The objective of the Fort Myers CRA Job Creation Incentive is to alleviate blight and economic distress. Companies creating or relocating jobs to the RA will help to lower vacancy rates, increase employment levels, raise the tax base, diversify economic opportunities and promote redevelopment goals. The encouragement of private enterprise will help the RA become self sustaining in the long term and serves to implement the redevelopment plans for each of the Fort Myers Redevelopment Areas. The program is consistent with meeting redevelopment objectives, specifically:

- Economic Development, Commercial and Business Activity
- Economic Development, Business Retention and Recruitment

* Funding must be available in RA budget prior to approval of application



Fort Myers Community Redevelopment Agency
1400 Jackson Street, Suite 102
Fort Myers, Florida 33901
p 239.321.7100 f 239.344.5911
fmra@cityftmyers.com

PROGRAM ADMINISTRATION

The CRA will accept applications for this Program with a three-month look-back period, meaning a company that hires a qualifying employee will have three months from the qualifying employee's first day of work to apply to the CRA with all required documentation. To be eligible for this Program, all hires must be made after this Program is approved by the CRA Board of Commissioners. To ensure that funding is available companies must apply for each newly hired position that meets the Program's requirements; each application must receive approval from the CRA Board of Commissioners.

After consideration of the application and information provided, the CRA will determine whether the application/hire meets the Program requirements and, if so, will provide a grant agreement to the company for the specific employee. The company shall provide all required documentation; however, information which is exempt from disclosure pursuant to the Public Records Law, such as social security numbers, may be redacted. All applications and documentation are public records.

The company's baseline employment numbers will be established at the

time an application is submitted. If total employment falls below the established baseline during the time frame in which the company is participating in the Program, no incentive will be paid.

Employees hired under this Program must remain employed by the company for at least twelve months in order for the company to claim the incentive. The incentive will be paid at the end of the twelve-month period.

If for any reason an employee hired under this Program does not complete the twelve (12) month employment period, then the grant agreement for that employee shall terminate and no incentive will be paid. If the company hires another qualifying employee, the company may make another application, if funding is available, but the twelve (12) month period would begin anew for that employee.

The CRA will provide incentives for a maximum of 20 employees.

ELIGIBILITY

To be eligible for the program, a company must operate in one of the following targeted industries:

- Research and Development in the physical, engineering, computer or life sciences
- Light assembly, packaging, and fabrication associated with research and development in the physical, engineering, computer or life sciences
- Software, computing and technology
- Light Manufacturing
- General Office

These industries are targeted for this incentive because companies in these industries are high growth and have a high multiplier in terms of ancillary impacts to the local economy.

The company must physically maintain its principal place of business within the boundary of the redevelopment area for a minimum of three years after the date of application. The applicant must be located at that facility.

The company must create and/or relocate a minimum of 5 eligible jobs within the Redevelopment Area within 12 months of approval of the incentive.

Companies must create new, high wage jobs for permanent employees and maintain a consistent or growing number of employees in CRA Area.

The number of employees employed by the company will be established when the application is made, and the number of CRA Area based employees hired during the time frame in which the

INCENTIVE SCHEDULE

For each new job created at this percentage or more of the county wage: *The incentive amount will be this many dollars per new job:*

115% = \$3,000

150% = \$4,000

200% = \$5,000

Companies can earn a
BONUS \$3,000
for each approved employee living in a CRA area!

company is participating in the Program shall not decrease.

This incentive can only be used for companies that are not participating or in the process of applying for the States Qualified Target Industry Tax Refund (QTI) Program, however, the base wage of newly hired employees must meet the (QTI) Tax Credit Refund wage criteria to qualify for this grant, annually adjusted. Current Lee County wage requirements are:

- 115% of Lee County Average Wage \$45,923*
- 150% of Lee County Average Wage \$59,900*
- 200% of Lee County Average Wage \$79,866*

A bonus will be paid if the qualifying employee is a resident in the CRA RA. Applications for the Program will be processed on a first come first served basis based on when the application is completed. The applicant will be notified within 10 days of receipt if the application is not complete; CRA staff will identify all required information.

** Wages will be based on State of Florida Incentives Average Wage Requirements*

Revolving Loan Fund (Housing)

Ongoing Program

The Revolving Loan Program supports the development of housing for individuals that make 100% of the Area Median Income (AMI) or less.

FORT MYERS COMMUNITY REDEVELOPMENT AGENCY

REVOLVING LOAN FUND CREDIT POLICY MANUAL
2021



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 - b. Definitions
 - c. Program Eligibility

- III. Loan Origination and Underwriting Process
 - a. Application Process
 - b. Underwriting Process and General Guidelines
 - c. Closing

Appendix A: Loan Terms

Appendix B: Appraisal, Insurance and Environmental Requirements

I. Purpose and Mission

Introduction

The Fort Myers Community Redevelopment Agency (the “CRA”) and Catalyst Community Capital, Inc. (“Catalyst”) have created a housing revolving loan fund program (the “Program”) that will promote the creation, rehabilitation, and conservation of low to moderate income housing within certain CRA areas. Funding for the Program will include \$1,900,000 from the CRA for projects located within the Cleveland Avenue Redevelopment Area (“Cleveland Area”), and \$500,000 for projects located within the Dr. Martin Luther King, Jr. Boulevard Redevelopment Area (“MLK Area”), as well as investments and participations from banks, Community Development Financial Institutions (“CDFIs”), and other sources.

Purpose

The purpose of the Revolving Loan Fund Program Manual and Underwriting Guidelines is to identify the CRA’s Affordable Housing policy objectives, describe the activities available to advance the objectives, and describe the manner in which the activities will be evaluated, underwritten, and selected for funding.

Area of Operation

The Program will be available for properties located within the Cleveland Redevelopment Area, as well and the MLK Redevelopment Area.

Fair Lending

Catalyst is committed to the principles of fair and equal opportunity lending. A consistent and high level of assistance and service will be provided to all borrowers regardless of race, national origin, religion, sex, age, marital status, disability, receipt of public assistance, or other factors. Underwriting standards will be applied fairly and consistently, permitting access to credit for a broad range of customers. Applicants with equivalent credit qualifications will receive the same consideration. When considering a loan application, Catalyst will not discriminate or place any value in the borrower’s race, religion, origin, gender, marital status, sexual orientation or age.

Disclaimer

The CRA reserves the right to fund projects at a lower amount than requested, and the right to deny Applications that are not consistent with the Program goals and policy direction. The CRA is under no obligation to consider or fund any proposed project that does not demonstrate compliance with local program requirements and does not assist in meeting the CRA’s affordable and workforce housing policy goals and/or objectives.

The CRA reserves the right to determine project eligibility and select the funding source to be used for any proposed project. Funding decisions will be based on a variety of factors, including but not limited to:

1. How the project aligns with the CRA’s priorities;
2. Operational and management capacity of the Applicant;
3. Financial capacity of the Applicant;
4. Ability to meet loan payment obligations; and
5. Leveraging of additional public and private investments.

The Revolving Loan Fund Program Manual and Underwriting Guidelines are not intended to address every circumstance that may be encountered in the development process, nor are they a verbatim restatement of all regulatory requirements. Omission of any federal or local regulatory requirements does not relieve the Applicant from their obligation that may be required by the funding source.

Once a Loan Agreement, Promissory Note, and other Program documents (the “Program Documents”) have been executed between the CRA, in case of any conflict between the program guidelines and the Program Documents, the terms of the Program Documents shall prevail.

Program guideline changes as a result of federal, state or local regulatory or legal requirements may be implemented immediately by the CRA. Revision of the program guidelines usually occurs annually; however, additional revisions can be initiated by the CRA at any time. While stakeholder outreach is the goal of CRA, such revisions may occur without notice and are applicable to all pending and future Applications. Applicants are responsible for complying with any changes.

II. Overview of Revolving Loan Fund Program

Program Objectives and Goals

In order to promote the development of affordable and workforce housing, and ensure diversity and inclusive economic opportunity, the Program will provide flexible funding options and technical assistance to minority real estate developers and mission-aligned organizations.

The Program will seek to increase and broaden the participants’ skills and opportunities through three key areas: (i) Training; (ii) Mentorship; and (iii) Financing. Program goals include:

- Increasing the stock of affordable and workforce housing units in the City of Fort Myers
- Encouraging the participation of less experienced developers and smaller development firms in order to expand universe of local housing developers;
- Providing a holistic solution that builds capacity, increases access to opportunities, and helps ensure economic growth is inclusive for both developers and residents of the Program areas;
- Supporting the development of projects of minority and mission-aligned developers with limited experience and who are potentially undercapitalized. Targeted projects will typically be smaller in size (less than 40 units) and have budgets under \$4,000,000.
- Providing seed capital for a revolving loan fund as a way to prove concept and attract additional funding from public and private sources.

Definitions

The following terms are defined for the purpose of this document:

Accessible: As defined by Section 504 of the Rehabilitation Act of 1973, accessible dwelling units or facilities are located on an accessible route and can be approached, entered and used by individuals with physical disabilities. For a housing unit to be classified as accessible, the improvements must meet the Uniform Federal Accessibility Standards (UFAS).

Acquisition of vacant land: Program funds may be used for acquisition of vacant land only if construction will begin on a project within 12 months of the date of purchase. Construction financing must be secured at the time of Application. A current appraisal is required. Land banking is prohibited.

Adaptable Units: Certain elements of a dwelling unit or facility can be added to, raised, lowered or altered to accommodate the needs of individuals with disabilities, or to accommodate the needs of persons with different types or degrees of disability.

Adjusted Income: Gross household Income limit that has been modified according to the number of persons residing within a dwelling unit.

AMI: Area Median Income as defined by HUD and updated annually.

Annual Income: The gross amount of Income of all adult household members that is anticipated to be received in the upcoming twelve (12) month period.

Applicant: Any eligible entity proposing to acquire and rehabilitate, convert, or construct Affordable Housing or Workforce Housing utilizing Program funds. Eligible Applicants include:

- Nonprofit Housing Developers
- For-profit Housing Developers
- Certified CHDOs
- Public Housing Authorities
- Other mission-aligned developers acceptable to Catalyst or CRA

Application: The completed forms, exhibits, attachments, and any additional documentation requested in the Revolving Loan Fund Application package.

Audit: Complete and current financial statements that have been Audited by a Certified Public Accountant (CPA) licensed by the State of Florida. A current Audit is considered to be one that is no more than twelve (12) months from the date the Audit was performed.

City: City of Fort Myers, Florida

CRA: Community Redevelopment Agency of the City of Fort Myers

Debt Coverage Ratio (DCR): The ratio of Net Operating Income (NOI) to total Debt Service (DS) during a given time period ($DCR = NOI \div DS$).

Debt Service: Required minimum monthly loan payment of principal and interest.

Development Costs: The total costs incurred in the development of a project that are considered reasonable and necessary.

Developer: Any individual, association, corporation, joint venture, or partnership, which possesses the capacity to successfully produce affordable and workforce multifamily and/or single-family housing.

Eligible Costs: Project costs that can be paid with Program funds. Costs include, but are not limited to, costs or partial costs of Acquisition, verifiable hard construction costs, reasonable soft costs, architectural and engineering fees, surveys, market studies, legal fees and materials testing.

Fair Market Rents: Rental rates as established and updated periodically by HUD that are determined to be fair, affordable and appropriate rents for a geographical area.

Household: All persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

HUD: U.S. Department of Housing and Urban Development

Identity of Interest Transactions: Identity of interest refers to situations where the owner, Developer or project sponsor control or own the services to be provided in a project, including, but not limited to the general contractor, subcontractor, property manager or other service provider.

Income: All reference to "Income" shall mean the Annual Income as defined in 24 CFR 5.609, referred to as "Part 5 Annual Income". Income cohorts are defined below. Income limits are updated annually by HUD and can be found at www.hudexchange.info

Moderate Income: Households whose Incomes are between 80% and 100% of the median Income for the City of Ft Myers, as determined by HUD, with adjustments for smaller or larger families.

In-fill Development: Development or redevelopment of land that is/has been vacant, bypassed, and underutilized but is located within areas that already have infrastructure, utilities, and public facilities. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.

Letter of Commitment: An original executed letter, contract, or agreement from each funding source verifying that the Applicant has a commitment of funds for the project.

Liquid Cash Resources: Liquid Cash Resources are defined as cash, cash equivalents, an unrestricted line of credit and investments held in the name of the entities and/or persons, including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered Liquid Cash Resources, including, but not limited to: 1) stock held in the Applicant's own company or any closely held entity, 2) investments in retirement accounts, 3) cash or investments pledged as collateral for any liability, and 4) cash in property accounts including reserves.

Marketing Plan: A document that provides information on how the Applicant will attract eligible persons from all racial, ethnic, age, and gender groups to the available housing being provided in the particular market area.

Market Study: An independent third-party report prepared to review the market conditions in a specified area. It includes a study of the economic forces of supply and demand and their impact on real estate returns, risks, and values.

Net Operating Income (NOI): Income stream generated by the operation of the property, independent of external factors such as financing, depreciation, amortization, and Income taxes. A property's yearly gross Income less operating expenses. Gross Income includes both rental Income and other Income such as parking fees, laundry and vending receipts, etc. Operating expenses are costs incurred during the operation and maintenance of a property. They include repairs and maintenance, as well as insurance, management fees, utilities, supplies, property taxes, etc. The following are not operating expenses: principal and interest, capital expenditures, depreciation, Income taxes, and amortization of loan points.

Nonprofit Organization: A not-for-profit, non-sectarian organization, which is designated by the Internal Revenue Service (IRS) under Section 501(c)(3), as a tax-exempt organization.

Permanent Housing: Housing in which the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long and is terminable only for cause.

Project Completion: Occurs when one hundred percent (100%) of the construction has been completed, a certificate of occupancy (CO) or a certificate of completion has been issued, and the final draw down of Program funds has been disbursed for the project.

Rehabilitation: The renovation of existing properties in order to improve the quality of housing available.

Single Family Housing: A one to four-family residence, condominium unit, cooperative unit, or manufactured housing.

Uniform Physical Condition Standards (UPCS): The inspection protocol that is used to evaluate the condition of housing.

Workforce Housing: In general, housing for tenants earning at or below 100% of AMI.

Program Eligibility

Project Eligibility

Funding will be available for projects that meet the following criteria:

1. Projects must be located within the Cleveland Area or MLK Area in order to participate in the Program.
2. The loan must result in the creation or preservation of single or multifamily Workforce Housing (i.e., housing for people or families earning at or less than 100% AMI).
3. Applicants must have with new construction or renovation projects equal to or greater in size and complexity than their proposed project.
4. Properties financed through the Revolving Loan Fund must comply with the Program's rent and income guidelines for at least ten (10) years from the receipt of Certificate of Occupancy.
5. Applicant must make a minimum cash equity contribution equal to 5% of the total cost of the project.
6. None of the units may at any time be occupied by the owner of the project or an individual related to the owner.

Eligible Applicants

The following organizations will be eligible for funding:

- Nonprofit Affordable Housing Developers
- For-profit Affordable Housing Developers
- Certified CHDOs
- Public Housing Authorities
- Other Mission-aligned Developers

Eligible Uses of Funds

Funds may be provided for the following uses:

- Acquisition of land
- Ground-up Construction
- Acquisition and rehabilitation of existing properties

Ineligible Activities & Uses of Funds

- Acquisition of vacant land for land banking (i.e., long term land hold)
- Public housing
- Payment of delinquent taxes or liens owed by Applicant
- Transitional Housing
- Development of housing that doesn't meet Program guidelines

Eligible Costs

- Hard Costs: including Acquisition costs, site work, and vertical construction costs.
- Soft Costs: architectural and engineering fees, financing costs, credit reports, title insurance, recording costs, transaction taxes, appraisals, environmental reviews and builder or Developer fees.
- Operating deficit reserve for rental projects, during the initial rent-up period (up to 18- months). The reserve may be used to pay for project operating expenses, scheduled payments to a replacement reserve and debt service.
- Predevelopment Costs: Project related predevelopment costs include third-party studies (e.g., appraisal, market study, Phase I, etc.), architectural plans, engineering, consulting fees to parties unrelated to Applicant, and other costs as deemed appropriate by the CRA.

III. Loan Origination and Underwriting Process

Application Process

Applicants must submit the following information along with their application in order to be considered for Program funding:

- Completed and signed application
- Personal financial statement for all principals of Applicant; CPA audited, compiled or reviewed financials for nonprofit organizations or housing authorities
- Business tax returns (Schedule C) for last two years
- Personal tax returns for last two years for any owner with a 20% or greater interest in the company
- Articles of Organization / Incorporation and Operating Agreement
- Site and building plans, specifications, and cost breakdown for proposed project
- Signed purchase and sale agreement for subject property, or closing statement and warranty deed, if land already owned by Applicant
- Authorization to Release Information for background and credit checks
- Resume and development experience for each principal of the Applicant
- Schedule of Real Estate Owned and Contingent Liabilities
- Construction contract
- Architect contract and engineering contract
- Any third-party reports for subject property, including Phase I, survey, title, and geotechnical reports

Application Process

- Step 1: Application is submitted to Catalyst for review.
- Step 2: If loan meets Program eligibility requirements, an LOI/term sheet is prepared and sent to the applicant for signature
- Step 3: Applicant signs LOI and returns to Catalyst along with underwriting fee.

Underwriting Process

Once Catalyst has received the executed LOI and underwriting fee, Catalyst's lending personnel will begin the underwriting process and preparation of the credit memorandum, as well as order third party reports, including appraisal, title, and environmental. The Credit Memo will include the following information:

Transaction Summary:

- Borrower and Guarantor information, including background on principals
- Loan amount
- Sources and Uses
- Description of collateral
- Loan Terms
- Program Eligibility
- Property Income Projections
- Construction Cost Analysis
- Repayment Analysis
- Personal Financial Statement and Liquidity Verification
- Credit Report

Appraisal and Market Information:

- As-is market value of land and/or existing improvements
- As-completed value of real estate based on income and sales comps
- Exposure/marketing time in the event of a liquidation
- Local market sales and rental rate trends
- Zoning of subject and surrounding properties
- Existing supply and planned development within primary market area

Borrower Information:

- Development experience and track record
- Financial analysis
- Alignment of mission

Loan Closing

Catalyst staff will work with applicants, title agents, and attorneys for larger transactions, to facilitate loan closings. Detailed closing instructions will be prepared by Catalyst and provided to the closing agent prior to closing. These instructions include, but are not limited to the following:

- How and when documents are to be recorded
- Vendors to be paid from the loan proceeds
- When funds are to be disbursed
- What endorsements are required on title insurance policies

**APPENDIX A
LOAN TERMS**

Metric	Guidelines	Exceptions
Maximum Loan Amount	\$1,000,000	Maximum loan amount can be higher with participants
Collateral/Security	First real estate mortgage on property being pledged as collateral	
Maximum Term	24 months	
Minimum Personal Credit	620 FICO Score	Will accept lower score on a case-by-case basis with good explanation of derogatory items
Loan to Value/Cost	<ul style="list-style-type: none"> • 90% LTV/95% LTC Single Family • 90% LTV/95% LTC Multifamily • 80% LTC Land 	LTV based on as-completed value for single and multifamily; Higher LTC/LTV allowed on a case-by-case basis.
Minimum Sponsor Equity	Minimum 5% of total acquisition and closing in the form of cash or satisfactory evidence of expenditures incurred at or prior to closing. Equity can be in the form of subordinate financing, equity or grant funds.	
Interest Rate	4-7%	Based on LTV, loan amount, experience, and other factors
Minimum DSC	<ul style="list-style-type: none"> • 1.15X Single Family • 1.20X Multifamily 	
Origination Fee	1.0-2.0% of gross loan amount	
Repayment	Monthly interest-only payments made from an interest reserve to be established as part of the loan budget and advanced from loan proceeds as interest costs are incurred. Balloon payment at maturity.	

APPENDIX B
APPRAISAL, INSURANCE, AND ENVIRONMENTAL REQUIREMENTS

I. APPRAISAL GUIDELINES

An appraisal from an independent licensed or certified appraiser on transactions over \$150,000. Appraisals used to make credit decisions should be dated no more than six months from the time of loan approval.

The appraisal must:

1. Conform to Uniform Standards of Professional Appraisal Practice (USPAP), including requirements for appraiser independence and competency.
2. Include disclosures complying with the Competency Provision of USPAP. If appraiser competence and/or experience is lacking, the appraiser must disclose this completely.
3. Disclose the appraiser's opinion of Market Value (Fee Simple Value) based upon the definition of Market Value set forth in the regulations.
4. Provide detail and depth of analysis that reflect the complexity of the real estate, and be written and presented in a narrative format or on forms that are sufficiently descriptive to reveal the estimated market value and rationale for the estimate.
5. Report, and use as a basis for valuation, the area sales history for the last 3 years for the subject type of property
6. Report data on current revenues, expenses and vacancies if the property is income producing. Current data should be used to determine "as-is" value. Projections can be used to determine "as-completed" value.
7. Report and analyze reasonable assumptions for marketing of the property in light of current conditions. The appraisal report must disclose the assumptions used.
8. Report current market conditions and trends. Any prevalent market trends (i.e. vacancy rates, rent concessions, etc.) must be fully disclosed and justified.
9. Include a description of the appraiser's USPAP required certification as well as a statement that the appraisal is not based on a requested minimum valuation, a specific valuation, or the approval of a loan. All appraisals must include a statement to the effect that the appraisal was not conditioned upon the appraiser producing a specific value or a value within a given range. Appraiser employment or future business cannot be tied to specific values or loan approval.
10. Include an accurate legal description of the real estate, in addition to the USPAP required description.
11. Identify and separately value any personal property, fixtures, or intangible items that are not real property, but are included in the appraisal.

ENVIRONMENTAL POLICY

The purpose of the Environmental Policy is to establish safeguards and controls to limit exposure to potential environmental liability that can be associated with real property held as collateral or acquired. For loan amounts under \$750,000, an Environment Questionnaire is acceptable. For loans greater than \$750,000, a Phase I environmental report must be completed. In the event the Phase I indicates that further action is required, a Phase II or other environment assessment study will be required.

PROPERTY INSURANCE

A. Insurance During Construction.

Builders Risk

1. Catalyst and CRA must be named as loss payees.
2. Acord 28.
3. Special Form (All Risk) with no exclusion for Wind, Theft, Fire, or Vandalism.
4. Lender must be named as Mortgagee and Loss Payee for all Property coverages and written confirmation must be submitted (other than a certificate of insurance) confirming that Lender has been named.
5. Replacement Cost Valuation insured to 100% of insurable value.
6. Agreed Amount or No Coinsurance.
7. Business Interruption/Rent Loss – identify minimum 12 months Basic Period of Restoration (time period from loss to restoration of building) plus 30 day Extended Period of Indemnity (time period from restoration of building to pre-loss revenue/rents). If coverage is “Actual Loss Sustained” the Property Evidence must confirm whether a time limit applies, even if there is no time limitation such as “Unlimited Period of Restoration”.
8. Windstorm – Full Wind Coverage required for all loans. Replacement cost coverage must be dedicated to the collateral property if part of a Blanket Program, or the Blanket Windstorm limit must provide full replacement cost for all properties which are part of the Blanket.
9. Flood – if property is located in a Special Hazard Flood Area (Prefix “A” or “V”) the maximum available NFIP Building Limit is required (if Contents are owned by the borrower and part of collateral then Contents must be included).
10. Earth Movement – required for any building where the Earthquake PML/SEL is 20% or greater. Acceptable coverage will be determined by the Lender and deductible cannot exceed 5% of the Total Insurable Value.
11. Law & Ordinance – coverage reasonably acceptable to Lender.
12. Maximum deductible of \$5,000 for all other perils except:
 - 5% TIV for Named Windstorm coverage
 - 5% TIV for Earthquake
 - \$500,000 for Excess Flood in SHFA, \$50,000 NFIP in SHFA.

General Liability

1. Catalyst and CRA must be named as additional insured.
2. Acord 25.
3. General Liability Limits – minimum \$1,000,000 each occurrence/\$2,000,000 aggregate.
4. Lender must be shown as Additional Insured for Liability coverages and written confirmation must be submitted (other than a certificate of insurance) confirming that the Lender has been named.
5. General Liability Deductible – maximum of \$5,000 deductible per occurrence.

Contractor's General Liability

1. Above listed lenders must be named as additional insured.
2. Acord 25.
3. General Liability Limits – minimum \$1,000,000 each occurrence/\$2,000,000 aggregate. Umbrella coverage may also be required.
4. Lender must be shown as Additional Insured for Liability coverages and written confirmation must be submitted (other than a certificate of insurance) confirming that the Lender has been named.
5. General Liability Deductible – maximum of \$5,000 deductible per occurrence.

Contractor's Worker's Compensation

1. Above listed lenders must be named as additional insured.
2. Statutory coverage for state in which work is being performed.
3. Employers Liability of:
 - \$1,000,000 Each Accident
 - \$1,000,000 Disease Aggregate
 - \$1,000,000 Disease Occurrence

TITLE INSURANCE

- An owner's title policy for all investments. A copy of the title policy/commitment with all schedules, exhibits and endorsements are to be provided to Lender at least 15 days before closing.
- The issuing title agent and underwriter must be acceptable to Catalyst
- The owner's title policy must be issued on an extended coverage 2016 American Land Title Association ("ALTA") form of owner's title insurance policy and afford the broadest coverage available.
- The amount of coverage under the owner's title policy must be no less than the total Project costs.
- The title policy must insure, as separate parcels: (a) all appurtenant easements and other estates benefiting the Insured Property, and (b) all other rights, title, and interests under reciprocal easement agreements, access agreements, operating agreements, and agreements containing covenants, conditions, and restrictions benefitting the Insured Property.
- All standard exceptions must be deleted or amended as follows:
 - The exception for real estate taxes and assessments must reflect the year of such taxes and assessments and specifically state that they are not yet due and payable. The title policy must include, as an informational note, the property parcel number(s) or tax parcel identification number(s), as applicable.
 - If the standard exception for tenants in possession cannot be deleted, the exception must be revised to read as follows: "Rights or claims of parties in possession under residential leases, as tenants only, without any purchase rights."
 - The standard survey exception to the title policy must be replaced with an exception for specific matters reflected on the approved survey.
 - If the standard exception for filed or unfiled mechanics' or materialmen's liens cannot be deleted, it must be limited to liens filed after the date of the Title Policy.
 - If the title policy contains a pending improvements clause, the minimum initial amount of title insurance coverage must be no less than the purchase price of the Insured Property.

- If Schedule B of the title policy contains any easements that are blanket in nature or otherwise not plottable, the title policy must provide affirmative insurance against any loss resulting from the exercise by the holder of such easement of its right to use or maintain that easement. ALTA Form 28.2-06 or an equivalent endorsement is required for this purpose
- Current versions of the following endorsements must be issued with the owner's title policy:
 - ALTA 3.0 or 3.1 Zoning (as applicable)
 - ALTA 4.1 Condominium (if applicable)
 - ALTA 5.1 PUD (if applicable)
 - ALTA 8.2 Commercial Environmental Protection Lien
 - ALTA 9.1 or 9.2 Covenants, Conditions & Restrictions (as applicable)*
 - ALTA 13 Leasehold (if applicable).
 - ALTA 17 or 17.1 Access and Entry (as applicable).
 - ALTA 17.2 Utility Access.
 - ALTA 18 or 18.1 Tax Parcel (as applicable).
 - ALTA 19 or 19.1 Contiguity (as applicable).
 - ALTA 22 Location.
 - ALTA 25 Same as Survey*
 - ALTA 26 Subdivision.
 - ALTA 28 Easement - Damage or Enforced Removal (if applicable).
 - ALTA 28.1 or 28.2 Encroachments - Boundaries and Easements (if applicable).
 - ALTA 34 Identified Risk Coverage (if applicable).
 - ALTA 35, 35.1, or 35.2 Minerals and Other Subsurface Substances (if applicable)
 - ALTA 41, 41.1 or 41.2 Water (if applicable).
 - Maximum Loss Endorsement.

Tax Increment Financing Rebate (TIF)

Ongoing Program

The TIF is a special funding tool available to local governments to help spur economic development for projects that provide a community benefit and demonstrate a financial gap.



Tax Increment Financing

GUIDELINES



**FORT MYERS
COMMUNITY
REDEVELOPMENT
AGENCY**

1400 Jackson Street, Suite 102
Fort Myers, Florida 33901
239.321.7100
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Executive Director

Antoine M. Williams
Assistant Director

Natalie S. Dunham
Marketing and Promotions Manager

Cheryl Thornton
Fiscal Manager

Sheryl Rea
Sr. Administrative Assistant



What is TIF?

Tax Increment Financing (TIF) is a special funding tool available to local municipalities that spurs economic development which otherwise would not occur. When a Redevelopment Area (RA) is created property owners within the district continue to pay the same property tax rates as those outside the district. The difference is that tax collections, over and above the “base value” are placed into a special fund that is used to pay for project costs. The use of TIF varies from project to project and area to area. In some cases, the CRA uses TIF to promote redevelopment of older parts of the community. In other cases, the CRA uses TIF for land acquisition and construction of infrastructure. The following outlines the CRA’s guidelines regarding TIF.

Purpose

The purpose of this Guideline is to articulate to existing or potential businesses the Fort Myers Community Redevelopment Agency’s (CRA) desire to promote economic development that is consistent with the CRA’s Redevelopment Plan(s) and provides a community benefit that will ultimately be shared by the taxing entities (City and County) impacted through the establishment of Redevelopment Area (RA).

Notwithstanding compliance with any or all the guidelines herein, the provision of TIF rebate is a guideline choice to be evaluated on a case-by-case basis by the Community Redevelopment Agency Board of Commissioners (BOC). The burden of establishing the public value of TIF shall be placed upon the applicant and the application must substantially meet the criteria contained herein. The Community Redevelopment Agency staff will present TIF request first to the CRA Advisory Board and then to the BOC’s with a recommendation from the Advisory Board.

Guidelines and other criteria listed herein does not guarantee the provision of TIF rebate assistance nor does the approval or denial of one project set precedent for approval or denial of another project.

Basic Provisions

As a matter of policy, the Fort Myers Community Redevelopment Agency (CRA) will consider using TIF to assist private development in those circumstances where the proposed private project shows a *demonstrated financial gap* and that the financial assistance request is the minimum necessary to make the project feasible. The developer is expected to have exhausted every other financial alternative(s) prior to requesting the use of TIF, including equity participation, other federal and state funds, bonds, tax credits, loans, etc.

It is the intent of the CRA to provide the minimum amount of TIF assistance to make the project viable and not solely to broaden a developer’s profit margin on the project. Prior to consideration of a Tax Increment Rebate (Rebate) request, the CRA will undertake (at the requestor’s cost) an independent analysis of the project to ensure the request for assistance is valid.



In requesting a Rebate, the developer must demonstrate that there will be a substantial and significant public benefit to the community by eliminating blight, strengthening the economic and employment base of the City, positively impacting surrounding neighborhoods, increasing property values and the tax base, creating new and retaining existing jobs.

Each project and location is unique and therefore every proposal shall be evaluated on its individual merit, including its potential impact on city service levels, its overall contribution to the economy and its consistency with the Redevelopment Plan, and other community planning documents. Each project must demonstrate probability of financial success.

“BUT FOR” TIF

The fundamental principle and that which the CRA must determine through information provided by the developer is that the project would not occur “but for” the assistance provided through TIF Rebate. The burden is on the developer to make this case to the CRA and not the CRA to make this case for the developer. Should this “but for” determination not be made, TIF for the project cannot be approved.

TIF Objectives

The CRA will consider utilizing TIF to meet the following basic objectives:

- 1) Stimulate and continue revitalization of a Redevelopment Area (RA) by:
 - a. Improving infrastructure;
 - b. Creating a variety of housing opportunities to increase the number of residents;
 - c. Preventing or eliminating slums and blighting conditions;
 - d. Constructing mixed-use developments;
 - e. Attracting desirable businesses and retaining existing businesses;
 - f. Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of the RA by adding interest and activity on the first floor of mixed- use buildings.
- 2) Promote efficient usage of land through redevelopment of blighted areas.
- 3) Strengthen the economic base of the City and support Economic Development.
- 4) Stabilize and upgrade targeted neighborhoods.
- 5) Create and retain family supporting jobs in the City.
- 6) Increase property values and tax revenues.
- 7) Leveraging the maximum amount of non-city funds into a development and back into the
- 8) community.

The type of development that the CRA will consider TIF funding includes:

- 1) Business development (attraction, retention, expansion). TIF assistance will be evaluated on its impact on existing local markets.
- 2) Mixed-use developments that creatively integrate commercial and retail projects into a residential development.
- 3) Revitalization of historically significant or deteriorated buildings.
- 4) Projects that promote neighborhood stabilization or revitalization.



- 5) Projects that promote industrial development.
- 6) Projects consistent with approved Redevelopment Plan.
- 7) Projects that involve environmental clean-up, removal of slum and blighting conditions.

What Development is Ineligible?

The CRA will not favor use of TIF funding to help support development outside of the boundary of the Fort Myers Redevelopment Areas.

Eligible Costs

The following are typical eligible costs.

- 1) Capital costs, including actual costs of;
- 2) Construction of public works or improvements:
 - a. Construction of new buildings, structures, and fixtures; and
 - b. Demolition, alteration, rehabilitation, repair or reconstruction of existing buildings, structures and fixtures, other than historic buildings and structures.
- 3) Real property assembly costs;
- 4) Professional service costs (planning, architectural, engineering, and legal); and
- 5) Relocation costs.

Criteria for TIF Assistance

All the following financial criteria must be met in order to be considered for TIF assistance.

- 1) **Equity Requirement.** Projects that exceed 30% equity will be looked upon favorably by the CRA. Equity is defined as cash or un-leveraged value in land or prepaid costs attributable to the project. TIF shall not be used to supplant cash equity.
- 2) **TIF Cap.** The total amount of TIF assistance should not exceed 10-20% (except for of total project costs. This limitation may be waived upon approval by the BOC.
- 3) **Self-Supporting Projects.** Each project requesting TIF assistance should generate enough tax increment to cover the requested TIF assistance and a portion of any public infrastructure costs within the district.
 - a. No increment from other private development projects within the area may be used to supplement another project's inability to generate enough tax increment to cover project costs.
- 4) **Internal Rate of Return.** The amount of assistance provided to a developer will be limited to the amount necessary to provide the developer a reasonable rate of return on investment in the project and the subject site. A developer's return on equity, return on cost or internal rate of return will be based on current market conditions as determined by the CRA or CRA's financial advisor.
- 5) **Commitment from Financial Institution.** Provide proof of a commitment by a financial institution, person or entity to provide lending and/or equity for the project sufficient to for financing constructing, equipping, furnishing, and completing the project and the cost related thereto.



Guideline Criteria

The criteria will be evaluated further, and input will be sought before bringing this section of the guidelines forward for approval.



**Fort Myers Community Redevelopment
Agency**

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Assistant Director

Natalie S. Dunham

Marketing and Promotions Manager

Phenicia McMillion

Renee Turbeville

Community Redevelopment Specialist

Sheryl Rea

Sr. Administrative Assistant

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS BYLAWS

Adopted on June 26, 2019

ARTICLE I – THE ORGANIZATION

1.1 Name. The name of this agency is the Community Redevelopment Agency of the City of Fort Myers (“CRA”), which was created by Ordinance No. 2426 adopted by the City Council of the City of Fort Myers (“City”) on November 16, 1987. The CRA is a dependent special district in accordance with Chapter 189 of the Florida Statutes.

1.2 Powers. The CRA derives its powers from Chapter 163, Part III, Florida Statutes as amended (“the Act”) and from other powers delegated to it by law.

1.3 Purpose. The CRA is established to eliminate and prevent the development and spread of slums and blight as defined in the Act in the following community redevelopment areas: (i) the Downtown Redevelopment Area; (ii) the Dr. Martin Luther King, Jr. Boulevard Redevelopment Area; (iii) the Cleveland Avenue Area; (iv) the East Fort Myers Redevelopment Area; and (v) the Westwood Redevelopment Area (collectively the “Areas”). Each redevelopment area has its own Community Redevelopment Plan (“Plan”) which has been adopted and amended from time to time by the City and which contains a legal description of the area. The purpose of the Plans is to identify policies and actions to remedy the conditions of slum and blight that have been determined to exist within the Areas.

1.4 Principal Office. The CRA’s principal office shall be at any place within the City as the CRA Board (“Board”) designates.

1.5 Seal. The Board shall adopt a seal to be used in executing documents on behalf of the CRA.

1.6 Documents. The official set of all CRA books and records shall be maintained at the CRA’s office and shall be open for public inspection as provided by law.

1.7 Operations. Unless expressly provided otherwise by law or action of the CRA, ordinances, policies and rules of procedure for the City shall apply to the CRA.

1.8 Contracts and Purchasing. The CRA may enter into contracts for goods and services necessary to carry out the adopted Plan. The CRA shall abide by the same purchasing policies, procedures, and laws as the City.

**COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF FORT MYERS BYLAWS**

ARTICLE II – CRA BOARD

2.1 Members. In accordance with Ordinance No. 2426 adopted by the City on November 16, 1987 and Resolution 87-46 adopted by the City on September 9, 1987, the Board shall consist of the members of the City of Fort Myers City Council.

2.2 Compensation. Board members shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in discharging their duties, in accordance with the City’s reimbursement policies and the approved CRA budget.

ARTICLE III – CRA OFFICERS AND STAFF

3.1 Chair. The Chair shall be selected by the City Council in a manner determined by the City. The Chair shall preside at all CRA meetings, execute all instruments in the name of the CRA, appoint committees with approval by the Board, and perform all other duties required by the Board.

3.2 Vice-Chair. The Vice-Chair shall be selected by the City Council in a manner determined by the City. In the absence of the Chair, the Vice-Chair shall exercise all functions of the Chair.

3.3 Executive Director. The Board shall appoint the CRA Executive Director, who shall report directly to the Board. The Executive Director shall be the CRA’s chief operating officer, responsible for the following: day-to-day administrative activities of the CRA, including agenda preparation and coordination with the CRA Attorney and City departments; executing CRA policies; implementing the Plans; negotiating development agreements and property transactions for the CRA; coordinating redevelopment efforts with government agencies; coordinating CRA projects and staffing for CRA meetings and workshops; directing multi-faceted loan or incentive programs; and directing all other CRA activities, including supervision of staff and consultants to the CRA. The Executive Director may delegate these responsibilities to an in-house employee, although the Executive Director shall remain accountable for all CRA activities.

3.4 Attorney. The CRA may appoint a CRA Attorney, who shall be a qualified member of the Florida Bar and shall not be the City Attorney. As needed to perform legal work for the CRA, the CRA Attorney may consult with outside counsel.

**COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF FORT MYERS BYLAWS**

ARTICLE IV – CITY STAFF SUPPORT

4.1 Interlocal Agreement. An Interlocal Agreement between the City and the CRA shall provide for long-term CRA use of City staff deemed necessary to accomplish redevelopment activities in the Areas. The agreement shall describe the responsibilities of the City and the CRA and show the estimated costs or the manner in which costs shall be determined.

4.2 Memorandum of Understanding. To accomplish necessary, short-term redevelopment activities not contemplated by the Interlocal Agreement, a Memorandum of Understanding between the City and the CRA shall provide for City staff support to the CRA for such activities. The memorandum shall describe the scope of City staff support to the CRA and the estimated costs or the manner in which costs shall be determined.

ARTICLE V -- MEETINGS

5.1 Regular Meetings. The Board shall meet regularly at least once each month at such time and place as it may prescribe, with at least seven (7) days' notice provided to Board members and the public. Regular meetings may be cancelled by the Chair if there are no items of business to be conducted; however, the Board shall meet at least once each quarter.

5.2 Special Meetings. Special meetings, which must be limited to the subject(s) specified on the agenda, may be called by any three Board members, the Chair, or the Executive Director upon at least seventy-two (72) hours' notice to Board members and the public. Agendas for special meetings shall be prepared in accordance with Sections 5.7.1 and 5.7.5 below.

5.3 Emergency Meetings. For urgent matters requiring immediate Board action, emergency meetings may be called by the Chair or the Executive Director with twenty-four (24) hours' notice or as soon as practicable. Prior public notice shall not be required, but shall be provided as soon as possible. Agendas for emergency meetings shall be prepared in accordance with Sections 5.7.1 and 5.7.5 below.

5.4 Notice. Notice procedures for Board meetings shall be the same as for City Council meetings.

5.5 Quorum. The presence of a majority of the Board members shall constitute a quorum for meeting purposes. If a quorum is not present, the chair may reschedule the meeting, with notice to be given to each absent Board member.

5.6 Voting. Except as otherwise provided by these bylaws, the affirmative vote of at least a majority of Board members shall be required for any Board action to be valid.

**COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF FORT MYERS BYLAWS**

5.7 Agenda. The following procedure is established for agenda preparation for regular meetings:

5.7.1 The agenda shall be prepared by the Executive Director in conference with the Chair.

5.7.2 Board members desiring agenda items shall make the request to the Executive Director at least seven (7) days before the meeting. Members may have a time-sensitive item added to an agenda on short notice by filling out the appropriate form.

5.7.3 A copy of the agenda and all supporting data available shall be provided to the Board and the CRA Attorney at least five (5) days before the meeting.

5.7.4 A copy of the agenda and all supporting data shall be available to the public through appropriate electronic media as soon as possible, but no later than 24 hours after such information is provided to the Board and the CRA Attorney.

5.7.5 In the case of a Special or Emergency Meeting, the agenda and supporting data will be provided as soon as it is available.

ARTICLE VI – FINANCIAL MANAGEMENT

6.1 Fiscal Year. The CRA’s fiscal year shall begin on October 1 of each year.

6.2 Budget. The Executive Director shall prepare the CRA’s annual budget. The budget shall include funds to be paid to the City under any Interlocal Agreement or Memorandum of Understanding between the CRA and the City and any contractually-required debt service.

6.3 Budget Transparency. The CRA’s tentative budget will be posted on the CRA’s website at least 2 days before any budget hearing to consider such budget and will remain on the website for at least 45 days. The final adopted budget will be posted on the special district’s official website within 30 days after adoption and will remain on the website for at least 2 years.

6.4. Funds Remaining at End of Year. On the last day of the fiscal year of the CRA, any money which remains in the CRA’s Redevelopment Trust Fund after the payment of allowable expenses for such year shall be:

- (a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year;
- (b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- (c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

**COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF FORT MYERS BYLAWS**

- (d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which project will be completed within 3 years from the date of such appropriation.

6.5 Accounting Practices. The CRA shall comply with all Florida Department of Financial Services uniform accounting practices and procedures for units of local government.

6.6 Supervision of Accounts. The Executive Director shall be responsible for the internal supervision and control of CRA accounts. Such oversight may be delegated to City staff under an Interlocal Agreement; however, the Executive Director shall remain accountable.

6.7 Annual Report. No later than March 31st of each year, the CRA shall file with the City Council a report of its activities for the preceding fiscal year, including a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of the fiscal year. At the time of filing the report, the CRA shall publish in a local newspaper of general circulation a notice that the report has been filed with the City Council and is available for inspection during business hours in the City Clerk's office and in the offices of the CRA.

6.8 Audit. Within six (6) months after the end of each fiscal year, an audit of the Redevelopment Trust Funds for each Area ("Funds") shall be conducted by an independent certified public accountant in accordance with the rules of the Florida Auditor General. The audit report shall describe for the fiscal year the amount and source of deposits into the Funds, the amount and purpose of withdrawals from the Funds, the amount of principal and interest paid on any indebtedness to which increment revenues are pledged, and the remaining amount of such indebtedness. The audit may be accomplished in conjunction with the City's annual audit, by the same certified public accountant, with the audit report submitted to the appropriate State agency as a single report, provided the CRA component is presented as a separate section of the report. The CRA shall provide by registered mail a copy of the audit report to the Florida Auditor General, the Florida Department of Financial Services, and to each taxing authority as defined by the Act (which does not include school districts) that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

6.9 Expenditures. All expenditures of CRA funds shall be in accordance with the Act, adopted procedures of the City, all applicable laws, the CRA's adopted budget as amended from time to time during the fiscal year, Funds requirements, and the CRA's adopted Plans. Expenditures must be approved by the Executive Director. Any individual expenditure brought before the Board for approval shall identify the provision in the Act or the Plan that justifies the expenditure. In addition, any individual expenditure of \$10,000 or greater shall require Board approval.

6.10 Borrowing. Prior to borrowing any funds, the CRA must obtain approval to borrow from City and such borrowing must be consistent with the adopted Redevelopment Plans. The

**COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF FORT MYERS BYLAWS**

affirmative vote of at least a majority of Board members shall be required to authorize the CRA to borrow money. Borrowed funds may be used only for purposes allowed by the Act and the Plan.

ARTICLE VII -- DISPOSAL OF CRA REAL PROPERTY

The sale, lease, disposal or transfer of CRA real property, or any interest therein, shall be consistent with the Act and any policy(ies) adopted by the CRA. The Board shall strive to obtain market value for the sale or lease of any CRA-owned land, or clearly state for the record the reason(s) the transaction is below market value.

ARTICLE VIII -- AMENDMENT OF BYLAWS

Amendments to these bylaws shall require the affirmative vote of at least a majority of Board members.

INTERLOCAL AGREEMENT
For
PROVISION OF MATERIALS AND SERVICES
BY THE CITY OF FORT MYERS, FLORIDA
To
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS

This INTERLOCAL AGREEMENT (hereinafter known as "AGREEMENT") made this 5 day of November, 2018, between the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, a public body corporate and politic created pursuant to Part III of Chapter 163, Florida Statutes (hereinafter referred to as "CRA"), and the CITY OF FORT MYERS, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as "CITY").

WHEREAS, pursuant to Section 163.410, Florida Statutes, the City Council of the City of Fort Myers, Florida adopted Resolution 87-46 on September 9, 1987 and Ordinance No. 2426 on November 16, 1987, the purpose of both being to consolidate three previously authorized community redevelopment agencies in the City into a single Community Redevelopment Agency of the City of Fort Myers; and

WHEREAS, Resolution 87-46 and Ordinance No. 2426 also designated the City Council as the Community Redevelopment Agency of Fort Myers and to serve as the governing body thereof with the ability to undertake redevelopment with all the powers available to the Agency including the powers enumerated in Section 163, Part III of the Florida Statutes; and

WHEREAS, CRA seeks to undertake certain activities which it is empowered to pursue at the most efficient, effective, and cost beneficial manner; and

WHEREAS, CITY has employed professional staff; and

WHEREAS, CITY staff has time and expertise in such areas as human resources, financial administration, building, planning and zoning, record keeping, policing, and public works which can be beneficially utilized in the daily administration of CRA and the planning and implementation of public improvements and other projects contemplated by CRA for funding; and

WHEREAS, CITY is willing to make available to CRA, in accordance with the terms and conditions set forth in this

AGREEMENT, staff, staff support and staff overhead and materials;
and

WHEREAS, CRA wishes to reimburse CITY for certain expenses directly attributed to activities undertaken by CITY and its staff on behalf of CRA on an on-going basis; and

WHEREAS, CRA seeks to reimburse CITY for certain expenses directly attributed to activities undertaken by CITY's staff on behalf of CRA on a one-time or irregular basis; and

WHEREAS, CITY and CRA wish to fully document any reimbursement of costs incurred by CITY while undertaking approved activities on behalf of CRA.

NOW, THEREFORE, the parties in consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, agree as follows:

SECTION 1: The above recitals are true and correct and are incorporated herein.

SECTION 2: CITY may provide services to CRA at CRA's request in order to maximize efficiency and effectiveness and take advantage of expertise of CITY's staff.

SECTION 3: CITY may provide the services of the City Clerk's Office and other clerical staff for purposes of physical agenda creation and distribution, recording of minutes, creation of meeting minutes, document retention and storage related to such meetings, minutes and agendas and any other such activities as are normal and customary for a municipal Clerk's Office to provide.

SECTION 4: CITY may provide the services of CITY's Human Resource Department and other clerical staff for purposes of creating employment policies, assisting in creation of job descriptions, assisting in the recruitment of new CRA employees, and any other such activities as are normal and customary for a municipal Human Resource Office to provide.

SECTION 5: CITY may provide the services of CITY's Finance and Purchasing Department and other clerical staff on an on-going basis for the purpose of providing financial assistance in the form of accounting, check writing, budget creation, bookkeeping,

financial information retention, creation and administration of purchasing requests and other purchasing activities, and other relevant financial and purchasing activities as are normal and customary for a municipal finance and/or purchasing department to provide.

SECTION 6: CITY may provide the services of CITY's Information Technology Services Department and other clerical staff on an on-going basis for the purpose of providing or maintaining CRA's technology, providing hardware systems and software necessary for CRA to integrate with CITY's systems, provide access to the internet, and other relevant information and technology services as are normal and customary for a municipal information and/or technology services department to provide.

SECTION 7: CITY may provide services of CITY's Community Development's staff on an on-going basis for the purposes of reviewing applications for building or property assistance grants, creation of maps and other analysis through the use of geographic information systems (GIS) analysis of appropriateness for use of CRA owned or leased property, other analysis or assessment, or enforcement of codes of CRA projects outside the scope of the Community Development staff's regular responsibilities to the general public.

SECTION 8: CITY may provide the services of CITY's Public Works staff on an on-going basis. This is to include, but not be limited to, maintenance of CRA-owned or leased property, installation or repair to CRA structures or appurtenances upon CRA owned or leased land, project management or assessment of CRA funded projects on behalf of CRA, analysis of appropriateness for use of CRA owned or leased property, engineering consultation, or other analysis or assessment of CRA projects outside the scope of the Public Works staff's regular responsibilities to the general public.

SECTION 9: CITY may provide the services of any appropriate CITY staff for a one-time assignment or on an irregular basis when previously agreed to by the CRA Board and City Council through a memorandum of understanding. Such memorandum of understanding shall outline the specific scope of activities to be undertaken by CITY's staff on behalf of CRA, a timeframe for the provision of

such services, and an estimate of cost of the services to be provided to CRA by CITY.

SECTION 10: CITY may provide enhanced services within the CRA area when requested by CRA. Enhanced services shall be defined as an additional service(s) which CITY provides to the general public at a level(s) clearly demonstrated to be over and above the highest level provided elsewhere in the City. These services may include but not be limited to those provided by the Police Department, Code Enforcement Division of the Community Development Department, and Parks and Recreation Department.

SECTION 11: All work performed under the terms of this AGREEMENT shall be performed by a task order executed by both CITY and CRA. See Task Orders attached hereto as Composite Exhibit "A." The task orders include: scope of the work to be performed, responsibilities of CITY, responsibilities of CRA, CITY department(s) whose staff will be involved in the work, the anticipated cost of the work, the anticipated completion or termination date of the work, and a citation of the specific page and paragraph in the Community Redevelopment Plan that authorizes the undertaking of the work.

SECTION 12: Task orders with an anticipated cost of \$10,000 or less may be authorized by the City Manager on behalf of CITY, and by the CRA Executive Director on behalf of CRA. The CRA Executive Director may only authorize a task that has been approved through the CRA's approved annual budget. Any task order exceeding \$10,000 shall require specific approval by the City Council and by the CRA Board. Should, at any time, CITY or CRA become aware that cost will exceed the cited anticipated costs, the task order shall be amended to reflect the new anticipated costs. Should the new total cost remain under \$10,000, approval of an amended task order may be approved by the City Manager for CITY and CRA Executive Director for CRA. Should the new total cost exceed \$10,000, an amended task order must be approved by both CITY Council and the CRA Board.

SECTION 13: CRA shall reimburse CITY for the direct cost of any materials or equipment utilized in providing services to CRA pursuant to any task order associated with this AGREEMENT. This shall include, but not be limited to: equipment rental, vehicle use, and materials directly utilized for CRA activities. Cost

reimbursement shall not include regular office equipment owned and utilized by CITY including but not limited to: telephones, computers, printers, or owned photocopy machines.

SECTION 14: CITY shall provide CRA with an annual statement summarizing each task order that shall include a full itemized breakdown of each task order, an itemized cost of materials or other supplies by task order number, a detailed list of personnel (by position) and the total amount to be reimbursed on or before the _____ of each year. The services and labor being provided in accordance with this AGREEMENT shall be paid by CRA within 30 days of receipt of the annual statement, subject to its review process set forth below in Section 15, based on the CITY's annual cost allocation formula(s).

SECTION 15: CRA shall review and approve or deny any such portion of the annual statement described in Section 14 above within 30 days. CRA shall make payment to CITY within 30 days of approval of any such invoice or non-disputed portion of an invoice. CRA shall return the annual statement with disputed or rejected costs to CITY. The CRA Executive Director and City Manager shall meet and attempt to resolve any dispute over any assessed cost. If the CRA Executive Director and City Manager cannot resolve said dispute over, then the parties agree to mediation as an alternative dispute resolution as a condition precedent to the filing of any lawsuit.

SECTION 16: CITY warrants that all services under this agreement shall be performed by employees of CITY who are fully, trained, skilled, licensed (when required), and qualified to perform the services required by CRA under this AGREEMENT; and

SECTION 17: It is understood by both CITY and CRA that the staff of CITY are not employees of CRA and that CITY shall retain full control over the assignment of tasks and responsibilities, employment, direction, compensation and discharge of all persons assisting in the performance of this AGREEMENT; and

SECTION 18: CITY shall be fully responsible for all matters relating to payment of its employees, including compliance with Social Security, withholding tax, and all other laws and regulations governing such matters.

SECTION 19: CITY agrees to hold CRA harmless from loss, damage, injury, or liability arising directly from the negligent acts or omissions of CITY, its employees, agents, subcontractors and their employees and agents. The foregoing should not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes.

SECTION 20: CRA agrees to hold CITY harmless from loss, damage, injury, or liability arising directly from the negligent acts or omissions of CRA, its employees, agents, subcontractors and their employees and agents.

SECTION 21: The parties hereto recognize the necessity of each staff to work closely and coordinate with each other in order to effectuate the intent of this Agreement. Therefore, each party pledges such cooperation.

SECTION 22: The provisions of this AGREEMENT do not prohibit CRA from contracting with any other individual, company, or other governmental agency or entity to provide services that might otherwise be covered under this AGREEMENT.

SECTION 23: The terms of this AGREEMENT shall be retroactive to a commencement date of October 1, 2017 and shall continue annually unless terminated by either party. Either party may terminate this AGREEMENT with ninety (90) days' notice in writing to the opposite party.

SECTION 24: Notwithstanding the provisions of Section 23, CITY and CRA may utilize the Task Order process and other provisions of this AGREEMENT to provide an after-the-fact reimbursement request for programs, projects, or level of service enhancements completed prior to the commencement date of this AGREEMENT. The purpose of such task orders shall be to provide written record of the program, project, or level of service enhancement and a written justification and background information for the reimbursement. Any after-the-fact task order, regardless of amount, shall require the approval of both the City Council and the CRA Board.

SECTION 25: If any part of this AGREEMENT shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having jurisdiction to

make such a determination, the remainder of this AGREEMENT shall remain in full force and effect, provided that the part of this AGREEMENT invalidated or declared unenforceable is not material to the intended operation of the AGREEMENT.

SECTION 26: This AGREEMENT is a binding contract and constitutes the entire agreement and understanding of the parties, whether oral or written, relating to the subject matter hereof and is intended as the parties' final expression and complete and exclusive statement of the terms hereof, superseding all prior or contemporaneous agreements, representations, communications, promises and understandings, whether oral or written, and maybe amended or modified only by an instrument in writing sign by both parties.

IN WITNESS WHEREOF, the Parties hereto have made and executed this AGREEMENT on the respective dates under each signature: City of Fort Myers, signing by and through its Mayor, duly authorized to execute same and the Community Redevelopment Agency of the City of Fort Myers, signing by and through its Chair, duly authorized to execute same.

ATTEST:

FOR:

Gwen Carlisle

BY: GWEN CARLISLE, MMC
CITY CLERK



CITY OF FORT MYERS, FLORIDA

Randall P. Henderson, Jr.

BY: RANDALL P. HENDERSON, JR.
MAYOR

DATE: 11/8/18

Saeed Kazemi

BY: SAEED KAZEMI, P.E.
CITY MANAGER

DATE: 11/8/18

APPROVED AS TO FORM:

Grant W. Alley

GRANT W. ALLEY
CITY ATTORNEY

FOR:
THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF FORT MYERS:

GAILE H. ANTHONY
BY: GAILE H. ANTHONY,
CRA CHAIR

DATE: 10/23/18

MICHELLE HYLTON-TERRY
BY: MICHELLE HYLTON-TERRY
EXECUTIVE DIRECTOR

DATE: 10/23/18

APPROVED AS TO FORM:

C. BERK EDWARDS
C. BERK EDWARDS
CRA ATTORNEY

**TASK ORDER FORM PURSUANT TO INTERLOCAL AGREEMENT FOR
PROVISION OF MATERIALS AND SERVICES
BY THE CITY OF FORT MYERS, FLORIDA TO
THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS
(For tasks \$10,000 and under)**

TASK # _____

(Fiscal Year - #)

(Additional sheets may be attached if there is insufficient space to provide a complete answer to any question.)

1) TASK NAME: _____

2) THIS TASK IS A(N)(Circle one):

ONE-TIME CAPITAL PROJECT

MULTI-PHASE CAPITAL PROJECT

ONE-TIME PROGRAM

RECURRING PROGRAM

ONE-TIME ADMINISTRATIVE REIMBURSEMENT

ANNUAL ADMINISTRATIVE REIMBURSEMENT

RECURRING MAINTENANCE PROGRAM

ENHANCED LEVEL OF SERVICE

3) TASK INCLUDES MATERIALS/SUPPLIES: YES NO

4) DEPARTMENT(S) TO PROVIDE SERVICE (List all departments expected to be involved):

5) SCOPE OF WORK/SERVICES:

6) SPECIFIC RESPONSIBILITIES OF THE CITY:

7) SPECIFIC RESPONSIBILITIES OF THE CRA:

8) IF THIS IS AN ENHANCED SERVICE PROVIDE A DESCRIPTION OF THE ENHANCEMENT AND THE HOW IT IS OVER AND ABOVE WHAT THE CITY CURRENTLY PROVIDES ELSEWHERE IN THE CITY:

9) AUTHORIZING SECTION OF THE COMMUNITY REDEVELOPMENT PLAN:

a) SUB-AREA PLAN: _____

b) YEAR ADOPTED: _____

c) PARAGRAPH: _____ PAGE: _____

10) AUTHORIZING SECTION OF §163, PART III, FLA. STAT.: §163. _____

11) ANTICIPATED DATE OF COMMENCEMENT: _____

12) ANTICIPATED DATE OF COMPLETION: _____

13) ANTICIPATED TOTAL COST TO BE REIMBURSED: _____

14) PROVIDE AN EXPLANATION OF THE ANTICIPATED COSTS TO BE REIMBURSED:

15) ARE THERE ANY ADDITIONAL SHEETS ATTACHED TO PROVIDE A COMPLETE ANSWER TO ANY OF THE ABOVE QUESTIONS OR TO PROVIDE ANY ADDITIONAL INFORMATION (circle one)?

YES

NO

APPROVAL:

FOR: CITY OF FORT MYERS, FLORIDA:

**FOR: COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF FORT MYERS:**

(INSERT NAME)
CITY MANAGER

(INSERT NAME)
EXECUTIVE DIRECTOR

DATE

DATE

In order to facilitate review of whether this is an appropriate expenditure of CRA funds, the answers to the following questions should be taken into consideration. Answers to these questions are not intended to determine whether an expense is legally eligible for CRA funding but is to be used as a guide by the City and CRA to assist in determining whether to proceed with CRA funding.

1) THIS PROJECT/PROGRAM/ENHANCEMENT IS RELATED TO:

- | | |
|----------------|---------------------------|
| PUBLIC SAFETY | BEAUTIFICATION |
| INFRASTRUCTURE | PARKS |
| MARKETING | ADMINISTRATION OF THE CRA |
| OTHER _____ | |

2) IF THE PROPOSED IS A LEVEL OF SERVICE ENHANCEMENT:

a) Description of Level of Service measurement: _____

b) Standard Level of Service provided within the City outside of the CRA: _____

c) Enhanced Level of Service to be provided in the CRA: _____

3) WILL THE SERVICES, MATERIALS, OR EQUIPMENT PAID FOR BY THE CRA REMAIN EXCLUSIVELY FOR USE IN THE CRA AREA FOR PURPOSES AUTHORIZED BY THE CRA AND NOT FOR USE BY THE CITY OUTSIDE OF THE CRA OR FOR PURPOSES NOT AUTHORIZED BY THE CRA?

YES NO

4) IF THE ANSWER TO QUESTION #3 IS "NO", PLEASE EXPLAIN HOW/WHERE ELSE THEY MAY BE UTILIZED.

5) IF THE ANSWER TO QUESTION #3 IS "NO", IS A METHOD IN PLACE FOR THE CRA TO PAY ONLY FOR THAT PORTION OF THE PROGRAM/PROJECT/SERVICE AUTHORIZED BY, AND UNDERTAKEN FOR THE CRA WITHIN THE CRA AREA?

YES NO

6) ARE ANY SIMILAR OR IDENTICAL PROJECTS/PROGRAMS BEING UNDERTAKEN, OR IS THE SERVICED PROVIDED AT THE ENHANCED LEVEL, ELSEWHERE IN THE CITY BUT OUTSIDE OF THE CRA?

YES NO

7) IF THE ANSWER TO QUESTION #6 IS "YES", WHAT IS THE SOURCE OF FUNDING FOR THE PROJECT/PROGRAM (CIRCLE ONE)?

CITY GENERAL OR OTHER FUND OUTSIDE GRANT FUNDING WITH CITY MATCH

OUTSIDE GRANT FUNDING WITH NO CITY MATCH PRIVATE FUNDING

OTHER FUNDING (please explain): _____

8) IF THE CRA DID NOT EXIST, HOW WOULD THIS PROJECT/PROGRAM/ENHANCEMENT BE PAID FOR?

THE CITY WOULD FUND THE PROJECT WOULD NOT BE UNDERTAKEN

9) HAS THIS PROGRAM/PROJECT/ENHANCEMENT OR A SIMILAR PROGRAM/PROJECT/ENHANCEMENT BEEN UNDERTAKEN IN THE CITY BEFORE?

YES NO

10) IF THE ANSWER TO QUESTION #9 IS "YES" HOW WAS THE PROJECT/PROGRAM/ENHANCEMENT FUNDED?

CRA CITY

OTHER SOURCE (please explain): _____

11) IF THE ANSWER TO QUESTIONS #6 IS "YES" OR THE ANSWER TO QUESTIONS #9 AND #10 ARE "YES" NOT "CRA" RESPECTIVELY, WHAT IS THE JUSTIFICATION FOR THE CRA PAYING FOR THE PROGRAM/PROJECT/ENHANCEMENT NOW?

BY AFFIXING A SIGNATURE BELOW THE SIGNATOR RECOMMENDS APPROVAL OF THE TASK ORDER AND INDICATES HE/SHE BELIEVES THE PROPOSED PROGRAM/PROJECT/SERVICE ENHANCEMENT IS APPROPRIATE WITHIN THE LIMITATIONS OF CRA EXPENDITURES OUTLINED IN §163, PART III, FLA. STAT., THE PROVISIONS OF THE INTERLOACL AGREEMENT FOR THE PROVISION OF SERVICES AND MATERIALS BETWEEN THE CITY OF FORT MYERS, FLORIDA AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, AND THE CITY OF FORT MYERS CITY COUNCIL APPROVED COMMUNITY REDEVELOPMENT PLAN IN PLACE AT THE TIME OF THE PROJECT COMMENCEMENT.

REVIEWED BY:

FOR: CITY OF FORT MYERS, FLORIDA:

(INSERT NAME)
CITY MANAGER

DATE

(INSERT NAME)
CITY ATTORNEY

DATE

FOR: COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS:

(INSERT NAME)
EXECUTIVE DIRECTOR

(INSERT NAME)
CRA ATTORNEY

TASK ORDER # _____
CITY-CRA TASK ORDER REVIEW CHECKLIST

DATE

DATE

**TASK ORDER FORM PURSUANT TO INTERLOCAL AGREEMENT FOR
PROVISION OF MATERIALS AND SERVICES
BY THE CITY OF FORT MYERS, FLORIDA TO
THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS
(For tasks over \$10,000)**

TASK # _____

(Fiscal Year - #)

(Additional sheets may be attached if there is insufficient space to provide a complete answer to any question.)

1) TASK NAME: _____

2) THIS TASK IS A(N)(Circle one):

ONE-TIME CAPITAL PROJECT

MULTI-PHASE CAPITAL PROJECT

ONE-TIME PROGRAM

RECURRING PROGRAM

ONE-TIME ADMINISTRATIVE REIMBURSEMENT

ANNUAL ADMINISTRATIVE REIMBURSEMENT

RECURRING MAINTENANCE PROGRAM

ENHANCED LEVEL OF SERVICE

3) TASK INCLUDES MATERIALS/SUPPLIES: YES NO

4) DEPARTMENT(S) TO PROVIDE SERVICE (List all departments expected to be involved):

5) SCOPE OF WORK/SERVICES:

6) SPECIFIC RESPONSIBILITIES OF THE CITY:

7) SPECIFIC RESPONSIBILITIES OF THE CRA:

8) IF THIS IS AN ENHANCED SERVICE PROVIDE A DESCRIPTION OF THE ENHANCEMENT AND THE HOW IT IS OVER AND ABOVE WHAT THE CITY CURRENTLY PROVIDES ELSEWHERE IN THE CITY:

9) AUTHORIZING SECTION OF THE COMMUNITY REDEVELOPMENT PLAN:

- a) SUB-AREA PLAN: _____
- b) YEAR ADOPTED: _____
- c) PARAGRAPH: _____ PAGE: _____

10) AUTHORIZING SECTION OF §163, PART III, FLA. STAT.: §163. _____

11) ANTICIPATED DATE OF COMMENCEMENT: _____

12) ANTICIPATED DATE OF COMPLETION: _____

13) ANTICIPATED TOTAL COST TO BE REIMBURSED: _____

14) PROVIDE AN EXPLANATION OF THE ANTICIPATED COSTS TO BE REIMBURSED:

15) ARE THERE ANY ADDITIONAL SHEETS ATTACHED TO PROVIDE A COMPLETE ANSWER TO ANY OF THE ABOVE QUESTIONS OR TO PROVIDE ANY ADDITIONAL INFORMATION (circle one)?

YES

NO

APPROVAL:

Authorized by City of Fort Myers City Council on _____
DATE

FOR: CITY OF FORT MYERS, FLORIDA:

(INSERT NAME)
MAYOR

(INSERT NAME)
CITY MANAGER

DATE

DATE

Authorized by the Board of the Community Redevelopment Agency of the City of Fort Myers on:

Date

**FOR: COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF FORT MYERS**

(INSERT NAME)
CHAIR

(INSERT NAME)
EXECUTIVE DIRECTOR

DATE

DATE

In order to facilitate review of whether this is an appropriate expenditure of CRA funds, the answers to the following questions should be taken into consideration. Answers to these questions are not intended to determine whether an expense is legally eligible for CRA funding but is to be used as a guide by the City and CRA to assist in determining whether to proceed with CRA funding.

1) THIS PROJECT/PROGRAM/ENHANCEMENT IS RELATED TO:

- | | |
|----------------|---------------------------|
| PUBLIC SAFETY | BEAUTIFICATION |
| INFRASTRUCTURE | PARKS |
| MARKETING | ADMINISTRATION OF THE CRA |
| OTHER _____ | |

2) IF THE PROPOSED IS A LEVEL OF SERVICE ENHANCEMENT:

- a) Description of Level of Service measurement: _____

- b) Standard Level of Service provided within the City outside of the CRA: _____

- c) Enhanced Level of Service to be provided in the CRA: _____

3) WILL THE SERVICES, MATERIALS, OR EQUIPMENT PAID FOR BY THE CRA REMAIN EXCLUSIVELY FOR USE IN THE CRA AREA FOR PURPOSES AUTHORIZED BY THE CRA AND NOT FOR USE BY THE CITY OUTSIDE OF THE CRA OR FOR PURPOSES NOT AUTHORIZED BY THE CRA?

YES NO

4) IF THE ANSWER TO QUESTION #3 IS "NO", PLEASE EXPLAIN HOW/WHERE ELSE THEY MAY BE UTILIZED.

- 5) IF THE ANSWER TO QUESTION #3 IS "NO", IS A METHOD IN PLACE FOR THE CRA TO PAY ONLY FOR THAT PORTION OF THE PROGRAM/PROJECT/SERVICE AUTHORIZED BY, AND UNDERTAKEN FOR THE CRA WITHIN THE CRA AREA?

YES NO

- 6) ARE ANY SIMILAR OR IDENTICAL PROJECTS/PROGRAMS BEING UNDERTAKEN, OR IS THE SERVICED PROVIDED AT THE ENHANCED LEVEL, ELSEWHERE IN THE CITY BUT OUTSIDE OF THE CRA?

YES NO

- 7) IF THE ANSWER TO QUESTION #6 IS "YES", WHAT IS THE SOURCE OF FUNDING FOR THE PROJECT/PROGRAM (CIRCLE ONE)?

CITY GENERAL OR OTHER FUND OUTSIDE GRANT FUNDING WITH CITY MATCH

OUTSIDER GRANT FUNDING WITH NO CITY MATCH PRIVATE FUNDING

OTHER FUNDING (please explain): _____

- 8) IF THE CRA DID NOT EXIST, HOW WOULD THIS PROJECT/PROGRAM/ENHANCEMENT BE PAID FOR?

THE CITY WOULD FUND THE PROJECT WOULD NOT BE UNDERTAKEN

- 9) HAS THIS PROGRAM/PROJECT/ENHANCEMENT OR A SIMILAR PROGRAM/PROJECT ENHANCEMENT BEEN UNDERTAKEN IN THE CITY BEFORE?

YES NO

- 10) IF THE ANSWER TO QUESTION #9 IS "YES", HOW WAS THE PROJECT/PROGRAM/ENHANCEMENT FUNDED?

CRA CITY

OTHER SOURCE (please explain): _____

11) IF THE ANSWER TO QUESTIONS #6 IS "YES" OR THE ANSWER TO QUESTIONS #9 AND #10 ARE "YES" NOT "CRA" RESPECTIVELY, WHAT IS THE JUSTIFICATION FOR THE CRA PAYING FOR THE PROGRAM/PROJECT/ENHANCEMENT NOW?

BY AFFIXING A SIGNATURE BELOW THE SIGNATOR RECOMMENDS APPROVAL OF THE TASK ORDER AND INDICATES HE/SHE BELIEVES THE PROPOSED PROGRAM/PROJECT/SERVICE ENHANCEMENT IS APPROPRIATE WITHIN THE LIMITATIONS OF CRA EXPENDITURES OUTLINED IN §163, PART III, FLA. STAT., THE PROVISIONS OF THE INTERLOACL AGREEMENT FOR THE PROVISION OF SERVICES AND MATERIALS BETWEEN THE CITY OF FORT MYERS, FLORIDA AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, AND THE CITY OF FORT MYERS CITY COUNCIL APPROVED COMMUNITY REDEVELOPMENT PLAN IN PLACE AT THE TIME OF THE PROJECT COMMENCEMENT.

REVIEWED BY:

FOR: CITY OF FORT MYERS, FLORIDA:

(INSERT NAME)
CITY MANAGER

(INSERT NAME)
CITY ATTORNEY

DATE

DATE

FOR: COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS:

CITY-CRA TASK ORDER # _____
CITY-CRA TASK ORDER REVIEW CHECKLIST

(INSERT NAME)
EXECUTIVE DIRECTOR

(INSERT NAME)
CRA ATTORNEY

DATE

DATE

**TASK ORDER FORM PURSUANT TO INTERLOCAL AGREEMENT FOR
PROVISION OF MATERIALS AND SERVICES
BY THE CITY OF FORT MYERS, FLORIDA TO
THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS
(For after-the-fact reimbursement)**

TASK ORDER # _____

(Fiscal Year - #)

(Additional sheets may be attached if there is insufficient space to provide a complete answer to any question.)

1) TASK NAME: _____

2) DATE(S) OF PROVISION OF PROGRAM/PROJECT/SERVICE ENHANCEMENT AND FISCAL YEAR:

PROVIDED: _____

COMPLETED: _____

FISCAL YEAR(S) PAID: _____

3) THIS TASK WAS A(N)(Circle one):

ONE-TIME CAPITAL PROJECT

MULTI-PHASE CAPITAL PROJECT

ONE-TIME PROGRAM

RECURRING PROGRAM

ONE-TIME ADMINISTRATIVE REIMBURSEMENT

ANNUAL ADMINISTRATIVE REIMBURSEMENT

RECURRING MAINTENANCE PROGRAM

ENHANCED LEVEL OF SERVICE

4) WHY IS REIMBURSEMENT BEING REQUESTED FROM THE CRA WITHOUT A TASK ORDER HAVING BEEN PREVIOUSLY EXECUTED? (check one)

_____ This program/project/enhancement was initiated before the adoption of the Interlocal Agreement for the Provision of Materials and Services and this Task Order is designed to provide after-the-fact, written justification for City and CRA records.

_____ Other reason (please explain): _____

(Attach to this Task Order any written evidence available that indicates this program/project/service enhancement was designed to be an expense of the CRA. This may include, but not be limited to: memorandums, emails, letters, meeting minutes, budgets.)

- 5) IS THIS REIMBURSEMENT REQUEST DUE TO AN ADMINISTRATIVE OVERSIGHT?
YES NO

- 6) IF THE ANSWER TO QUESTION #5 IS "YES": (check one)

_____ This expense was previously paid by the CRA and should have continued to be paid by the CRA

_____ This expense was not previously paid by the CRA but was always intended and expected to be an expense/responsibility of the CRA.

(Attach to this Task Order any written evidence available that indicates this program/project/service enhancement was designed to be an expense of the CRA. This may include, but not be limited to: memorandums, emails, letters, meeting minutes, budgets.)

- 7) DID THE TASK INCLUDE MATERIALS/SUPPLIES: YES NO

- 8) DEPARTMENT(S) THAT PROVIDED SERVICE (List all departments involved):

- 9) SCOPE OF WORK/SERVICES PREVIOUSLY PROVIDED:

10) SPECIFIC RESPONSIBILITIES OF THE CITY:

11) SPECIFIC RESPONSIBILITIES OF THE CRA:

12) IF THIS WAS AN ENHANCED SERVICE PROVIDE A DESCRIPTION OF THE ENHANCEMENT AND THE HOW IT WAS OVER AND ABOVE WHAT THE CITY PROVIDES ELSEWHERE IN THE CITY AT THE TIME:

13) AUTHORIZING SECTION OF THE COMMUNITY REDEVELOPMENT PLAN:

- a) SUB-AREA PLAN: _____
- b) YEAR ADOPTED: _____
- c) PARAGRAPH: _____ PAGE: _____

14) AUTHORIZING SECTION OF §163, PART III, FLA. STAT.: §163. _____

15) TOTAL REIMBURSEMENT REQUESTED: _____

16) PROVIDE AN EXPLANATION OF THE ANTICIPATED COSTS TO BE REIMBURSED:

17) ARE THERE ANY ADDITIONAL SHEETS ATTACHED TO PROVIDE A COMPLETE ANSWER TO ANY OF THE ABOVE QUESTIONS OR TO PROVIDE ANY ADDITIONAL INFORMATION (circle one)?

YES NO

APPROVAL:

Authorized by City of Fort Myers City Council on _____
DATE

FOR: CITY OF FORT MYERS, FLORIDA:

(INSERT NAME)
MAYOR

(INSERT NAME)
CITY MANAGER

DATE

DATE

Authorized by the Board of the Community Redevelopment Agency of the City of Fort Myers on:

Date

**FOR: COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF FORT MYERS**

(INSERT NAME)
CHAIR

(INSERT NAME)
EXECUTIVE DIRECTOR

DATE

DATE

In order to facilitate review of whether this is an appropriate expenditure of CRA funds, the answers to the following questions should be taken into consideration. Answers to these questions are not intended to determine whether an expense is legally eligible for CRA funding but is to be used as a guide by the City and CRA to assist in determining whether to proceed with CRA funding.

1) THIS PROJECT/PROGRAM/ENHANCEMENT WAS RELATED TO:

- | | |
|----------------|---------------------------|
| PUBLIC SAFETY | BEAUTIFICATION |
| INFRASTRUCTURE | PARKS |
| MARKETING | ADMINISTRATION OF THE CRA |
| OTHER _____ | |

2) IF THIS TASK ORDER IS FOR A LEVEL OF SERVICE ENHANCEMENT, PLEASE PROVIDE THE FOLLOWING:

a) Description of Level of Service measurement: _____

b) Standard Level of Service provided within the City outside of the CRA at the time of service provision: _____

c) Enhanced Level of Service provided in the CRA: _____

3) DID THE SERVICES, MATERIALS, OR EQUIPMENT PAID FOR BY THE CRA REMAIN EXCLUSIVELY FOR USE IN THE CRA AREA FOR PURPOSES AUTHORIZED BY THE CRA AND NOT FOR USE BY THE CITY OUTSIDE OF THE CRA OR FOR PURPOSES NOT AUTHORIZED BY THE CRA?

YES NO

4) IF THE ANSWER TO QUESTION #3 IS "NO", PLEASE EXPLAIN HOW/WHERE ELSE THEY WERE UTILIZED.

5) AT THE TIME THE ENHANCED SERVICE WAS PROVIDED, WAS A SIMILAR OR IDENTICAL PROJECT/PROGRAM UNDERTAKEN OR WAS THE SERVICE PROVIDED AT THE ENHANCED LEVEL ELSEWHERE IN THE CITY BUT OUTSIDE OF THE CRA?

YES NO THIS TASK ORDER IS NOT FOR A SERVICE ENHANCEMENT

6) IF THE ANSWER TO QUESTION #5 IS "YES", WHAT WAS THE SOURCE OF FUNDING FOR THE PROJECT/PROGRAM (CIRCLE ONE)?

CITY GENERAL OR OTHER FUND OUTSIDE GRANT FUNDING WITH CITY MATCH

OUTSIDE GRANT FUNDING WITH NO CITY MATCH PRIVATE FUNDING

OTHER FUNDING (please explain): _____

7) IF THE CRA DID NOT EXIST, HOW WOULD THIS PROJECT/PROGRAM/ENHANCEMENT HAVE BEEN PAID FOR?

THE CITY WOULD HAVE FUNDED THE PROJECT WOULD NOT HAVE BEEN UNDERTAKEN

8) WAS THIS PROGRAM/PROJECT/ENHANCEMENT OR A SIMILAR PROGRAM/PROJECT ENHANCEMENT BEEN UNDERTAKEN IN THE CITY BEFORE THE COMMENCEMENT OF THE SUBJECT PROGRAM/PROJECT/SERVICE ENHANCEMENT?

YES NO

9) IF THE ANSWER TO QUESTION #5 IS "YES" HOW WAS THE PROJECT/PROGRAM/ENHANCEMENT FUNDED?

CRA CITY

OTHER SOURCE (please explain): _____

10) IF THE ANSWER TO QUESTION #5 IS "YES", AND THE ANSWER TO QUESTION #7 IS NOT "THE PROJECT WOULD NOT HAVE BEEN UNDERTAKEN", WHAT IS THE JUSTIFICATION FOR THE CRA PAYING FOR THE PROGRAM/PROJECT/ENHANCEMENT?

BY AFFIXING A SIGNATURE BELOW THE SIGNATOR RECOMMENDS APPROVAL OF THE TASK ORDER AND INDICATES HE/SHE BELIEVES THE PROPOSED PROGRAM/PROJECT/SERVICE ENHANCEMENT IS APPROPRIATE WITHIN THE LIMITATIONS OF CRA EXPENDITURES OUTLINED IN §163, PART III, FLA. STAT., THE PROVISIONS OF THE INTERLOACL AGREEMENT FOR THE PROVISION OF SERVICES AND MATERIALS BETWEEN THE CITY OF FORT MYERS, FLORIDA AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS, AND THE CITY OF FORT MYERS CITY COUNCIL APPROVED COMMUNITY REDEVELOPMENT PLAN IN PLACE AT THE TIME OF THE PROJECT COMMENCEMENT.

REVIEWED BY:

FOR: CITY OF FORT MYERS, FLORIDA:

(INSERT NAME)
CITY MANAGER

DATE

(INSERT NAME)
CITY ATTORNEY

DATE

FOR: COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT MYERS:

(INSERT NAME)
EXECUTIVE DIRECTOR

DATE

(INSERT NAME)
CRA ATTORNEY

DATE