

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

