

**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

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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 ( $\frac{1}{2}$ ) 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  $\frac{1}{2}$  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 ( $\frac{1}{2}$ ) 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:

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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.

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**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.

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**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

