

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

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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:

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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;

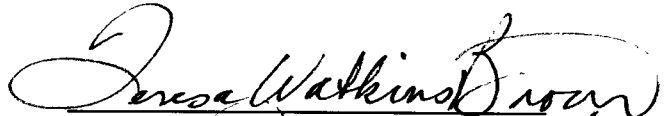
6. The Community Redevelopment Agency is hereby directed to implement the 2010 Cleveland Avenue Redevelopment Plan in accordance with its terms.

7. This resolution shall become effective immediately upon adoption.

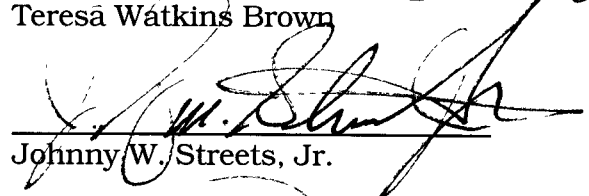
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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of December, A.D., 2010.


Aye


Teresa Watkins Brown

Aye


Johnny W. Streets, Jr.

Aye


Levon Simms


Absent

Michael Flanders

Aye

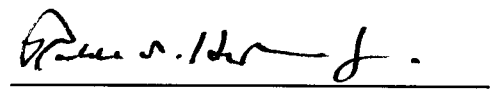

Forrest Banks

Aye

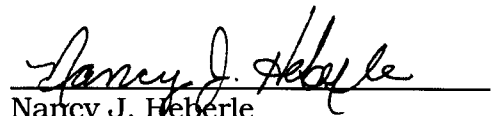

Thomas C. Leonardo
Council Members

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