

**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

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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.

**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:

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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:

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(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

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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.

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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**

