

**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

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**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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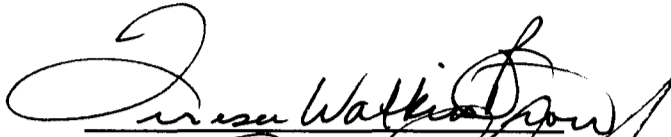
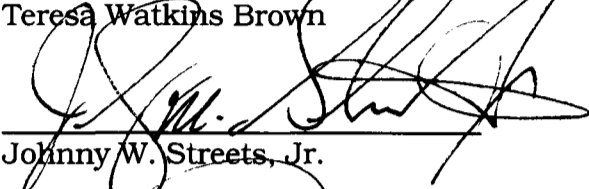
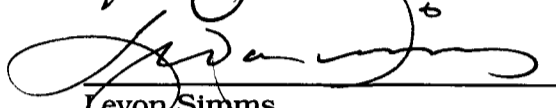
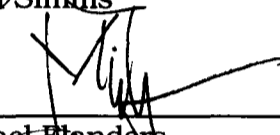
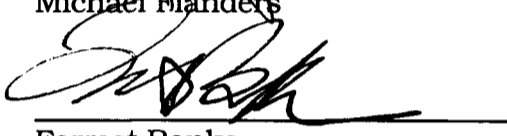
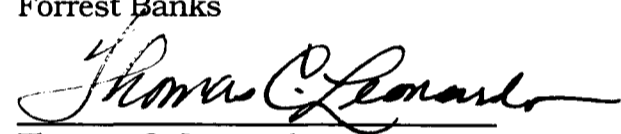
municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues;

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

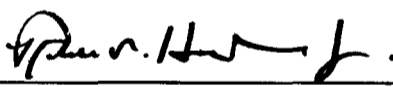
7. This resolution shall become effective immediately upon adoption.

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**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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