

**ORDINANCE NO. 3399**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 26, COMMUNITY DEVELOPMENT AND IMPROVEMENTS, ARTICLE II, COMMUNITY REDEVELOPMENT BY CREATING SECTION 26-32 (c)(13), AREA 13. EASTWOOD VILLAGE REDEVELOPMENT AREA AND SECTION 26-46 EASTWOOD VILLAGE 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 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), 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.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA,** that:

**SECTION 1.** The City Code of the City of Fort Myers, Florida, Chapter 26 Community Development and Improvements, Article II Community Redevelopment, Section 26-32 Name; purpose; areas is hereby amended by creating Sub-section (c)(13) Area 13. Eastwood Village Redevelopment Area to read as follows:

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(13) *Area 13. Eastwood Village Redevelopment Area.*

A tract or parcel of land lying in Sections 20, 21 and 28, Township 44 South, Range 25 East, Lee County, Florida.

Being more particularly described as follows:

Beginning at the southwest corner of Section 28, Township 44 South, Range 25 East, said point being the point of beginning; thence run along the west line of the Southwest Quarter (SW ¼) of said Section 28, N00°56'54"W, for a distance of 2,645.49 feet to the West Quarter (W ¼) corner of said Section 28; thence run along the west line of the Northwest Quarter (NW ¼) of said Section 28, N00°46'14"W for a distance of 2,649.70 feet to the southeast corner of Section 20, Township 44 South, Range 25 East; thence run along the south line of the East Half (E ½) of the East Half (E ½) of said Section 20, S89°18'22"W for a distance of 1,341.83 feet to the southwest corner of the South Half (S ½) of the East Half (E ½) of the East Half (E ½) of said Section 20; thence run northerly along the west line of the East Half (E ½) of the East Half (E ½) of said Section 20, N00°42'11"W for a distance of 5,150.13 feet to the intersection with the southerly right-of-way line of State Road 82, also known as Martin Luther King Jr. Boulevard; thence run along said southerly right-of-way line of State Road 82 for the following seventeen courses, N88°50'53"E for a distance of 693.43 feet to a point of curvature; thence run easterly along and arc of a tangent curve to the right of radius 5654.58 feet (delta 03°19'50") (chord bearing S89°29'12"E) (chord 328.65 feet) for a distance of 328.70 feet to a point on a non-tangent line; thence S82°24'00"E for a distance of 604.65 feet; thence run S81°15'54"E for a distance of 48.34 feet to a point of curvature; thence run easterly along and arc of a tangent curve to the right of radius 5,629.58 feet (delta 03°19'42") (chord bearing S79°35'01"E) (chord 326.97 feet) for a distance of 327.02 feet to a point on a non-tangent line; thence run S00°54'21"E for a distance of 3.28 feet; thence run S75°40'39"E for a distance of 269.72 feet to a point of curvature; thence run easterly along an arc of a non-tangent curve to the right of radius 6,146.64 feet (delta 04°45'41") (chord bearing S72°56'09"E) (chord 510.65 feet) for a distance of 510.81 feet; thence run S70°34'38"E for a distance of 1,376.70 feet to a point of curvature; thence run easterly along an arc of a non-tangent curve to the right of radius 22,862.49 feet (delta 00°10'50") (chord bearing S70°29'13"E) (chord 72.00 feet) for a distance of 72.00 feet; thence run S66°08'16"E for a distance of 327.36 feet; thence run S68°13'17"E for a distance of 163.17 feet; thence run S66°55'50"E for a distance of 163.36 feet; thence run S68°47'41"E for a distance of 164.04 feet; thence run S69°47'32"E for a distance of

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165.01 feet; thence run S70°33'59"E for a distance of 109.49 feet to an intersection with the westerly right-of-way line of Ortiz Avenue; thence run southerly along said westerly right-of-way line of Ortiz Avenue for the following six courses; thence run S01°16'21"E, for a distance of 3,148.86 feet; to a point of curvature; thence run southerly along an arc of a tangent curve to the right of radius 5,629.58 feet (delta 04°43'37") (chord bearing S01°05'28"W) (chord 464.31 feet) for a distance of 464.44 feet to a point of tangency; thence run S03°27'16"W, for a distance of 379.91 feet; to a point of curvature; thence run southerly along an arc of a curve to the left of radius 5,829.58 feet (delta 04°15'20") (chord bearing S01°19'36"W) (chord 432.88 feet) for a distance of 432.98 feet to a point of tangency; thence run S00°48'04"E, for a distance of 1,952.53 feet; thence run S00°55'18"E, for a distance of 2,502.05 feet to the intersection with the northerly right-of-way line of Colonial Boulevard; thence run along said northerly right-of-way line for the following two courses; thence run S88°24'25"W, for a distance of 960.02 feet to a point of curvature; thence run westerly along an arc of a curve to the left of radius 2,989.82 feet (delta 16°46'22") (chord bearing S80°01'14"W) (chord 872.12 feet) for a distance of 875.24 feet to a point on a non-tangent line and the intersection with the south line of the Southwest Quarter (SW ¼) of said Section 28; thence run S88°12'01"W along said south line, for a distance of 2,065.17 feet to the southwest corner of said Section 28 and the point of beginning.

Containing 44,923,568 square feet or 1,031.30 acres more or less.

Bearings shown hereon are based on the south line of the Southwest Quarter (SW ¼) of Section 28, Township 44 South, Range 25 East, being S88°12'01"W.

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II Community Redevelopment, is amended by creating Section 26-46 Eastwood Village Trust Fund for area 13 to read as follows:

**Sec. 26-46. Redevelopment Trust Fund for area 13.**

(a) There is hereby established in accordance with the provisions of F.S. 163.387, a redevelopment trust fund for Area 13, also known as the Eastwood Village Area, which fund is hereinafter referred to as the Eastwood

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Village Trust Fund. The financial services director of the city is hereby appointed and designated to administer the Eastwood Village Trust Fund on behalf of the community redevelopment agency and is authorized and directed to maintain and administer the Eastwood Village Trust Fund in accordance with applicable laws, ordinances, resolutions, and directives of the agency. The monies allocated to and deposited into the Eastwood Village Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs and finance the undertakings of the agency to carry out redevelopment within area 13.

(b) There shall be annually paid into the Eastwood Village 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:

- (1) 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 13; and
- (2) 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

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connection with the taxation of such property  
by each taxing authority prior to May 21, 2007.

(c) The agency shall annually receive and deposit into the Eastwood Village Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with F.S. 163.387(1)(a), and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in F.S. 163.340(24).

(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 Eastwood Village Trust Fund shall commence as of May 21, 2007, 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 Eastwood Village Trust Fund shall continue for the duration of the Eastwood Village Redevelopment Plan, the community redevelopment plan for area 13.

**SECTION 3. Severability**

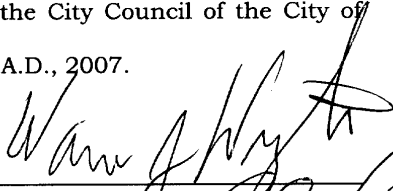
Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**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 21st day of May, A.D., 2007.

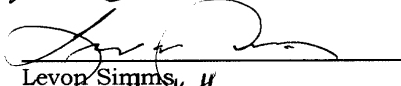
Aye  
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Warren J. Wright

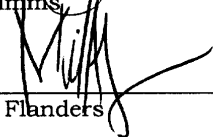
Aye  
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Johnny W. Streets, Jr.

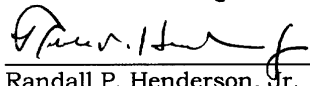
Aye  
\_\_\_\_\_

  
Levon Simms

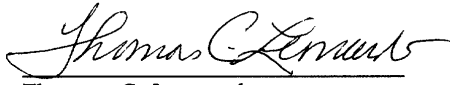
Aye  
\_\_\_\_\_

  
Michael Flanders

Aye  
\_\_\_\_\_

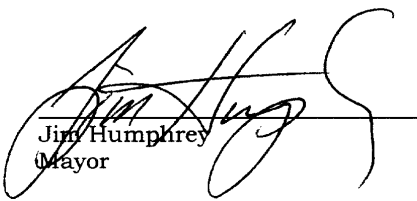
  
Randall P. Henderson, Jr.

Aye  
\_\_\_\_\_

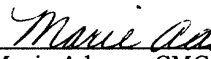
  
Thomas C. Leonardo  
Council Members

**APPROVED** this 21st day of May, A.D., 2007, at 5:58 o'clock p.m.

Aye  
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Jim Humphrey  
Mayor

**FILED** in the Office of the City Clerk this 21st day of May, A.D., 2007.

  
Marie Adams, CMC  
City Clerk