

ORDINANCE NO. 2947

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)(11) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 2 AND CREATING SECTION 2-233 REDEVELOPMENT TRUST FUND FOR AREA 11; 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)(11) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 2 is hereby created to read as follows:

(11) Area 11 Dr. Martin Luther King Jr. Boulevard

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Redevelopment Sub-Area 2:

Lots 1-5, Claudia Stroup's Subdivision, Plat Book 5, Page 10, Public Records of Lee County, Florida.

Together With:

Lots 1-10 of Block 7, Block 8, Lot 1 and the South 36.53 feet of Lot 2 of Block 5, and that Parcel of Land 50 feet wide lying between Lot 1 of Block 5 and Lot 5 of Block 8, Stareco Addition, Plat Book 8, Page 29, Public Records of Lee County, Florida.

Together With:

Lots 1-6 of Block A, and Block H, Fairdale, Plat Book 8, Page 20, Public Records of Lee County, Florida.

Together With:

Block 2, Youman's Bros. Eastland Heights, Plat Book 3, Page 10, Public Records of Lee County, Florida.

Together With:

Blocks 3 and 4, J.B. Cox's Re-Subdivision No. 2 of the East Half of Eastland Heights, Plat Book 3, Page 73, Public Records of Lee County, Florida.

Together With:

Lots 1-10 of Block D and Lots 1-4 of Block E, Carver Park, Plat Book 8, Page 88, Public Records of Lee County, Florida.

Together With:

Lots 5-9 and Lots 18-22 of Block One, W.R. Kaunes Subdivision, Plat Book 1, Page 60, Public Records of Lee County, Florida.

Together With:

A Parcel of Land Described In O.R. 2739, Page 4129 and O.R. 493, Page 423, Public Records of Lee County, Florida.

Together With:

Lot 19 and the North 101 Feet of Lots 24-26, Geo. D. Williams Subdivision, Plat Book 4, Page 1, Public Records of Lee County, Florida.

Together With:

A parcel of land described in O.R. 2134, Page 366, Public Records of Lee County, Florida.

Together With:

Lots 50 and 51, Erickson Place, Plat Book 3, Page 83, and

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Lots 5-11 of Block 1, Unit 3, Harlem Lake, Plat Book 13,
Page 136, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and
rights-of-way of record.

SECTION 2. The City Code, Chapter 2, Article VI Community
Redevelopment, Section 2-233 Redevelopment trust fund for Area 11 is
hereby created to read as follows:

Section 2-233 Redevelopment trust fund for Area 11.

(a) There is hereby established in accordance with
the provision of F.S. 163.387, a redevelopment trust fund
for Area 11, also known as Dr. Martin Luther King Jr.
Boulevard Sub-Area 2, which fund is hereinafter referred to
as the Dr. Martin Luther King Jr. Boulevard Sub-Area 2
Trust Fund. The finance director of the city is hereby
appointed and designated to administer the Dr. Martin
Luther King Jr. Boulevard Sub-Area 2 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 2 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 2 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 11.

(b) There shall be annually paid into the
Dr. Martin Luther King Jr. Boulevard Sub-Area 2 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

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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 boundaries of Area 11; 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 11 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 2 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 2 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 11, if

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any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 2 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 11.


SECTION 3. Severability

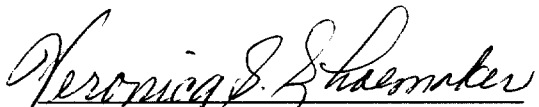
Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

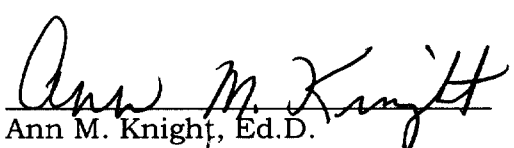
SECTION 4. This ordinance shall become effective immediately upon adoption.

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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

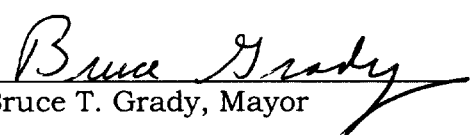
AYE 
Veronica S. Shoemaker

AYE 
Ann M. Knight, Ed.D.

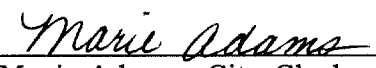
AYE 
Michael Flanders

AYE 
Brenda S. Brewer
Council Members

APPROVED this 3rd day of April A.D., 2000, at 7:02 o'clock p.m.


Bruce T. Grady, Mayor

FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.


Marie Adams, City Clerk

Sub Area 2

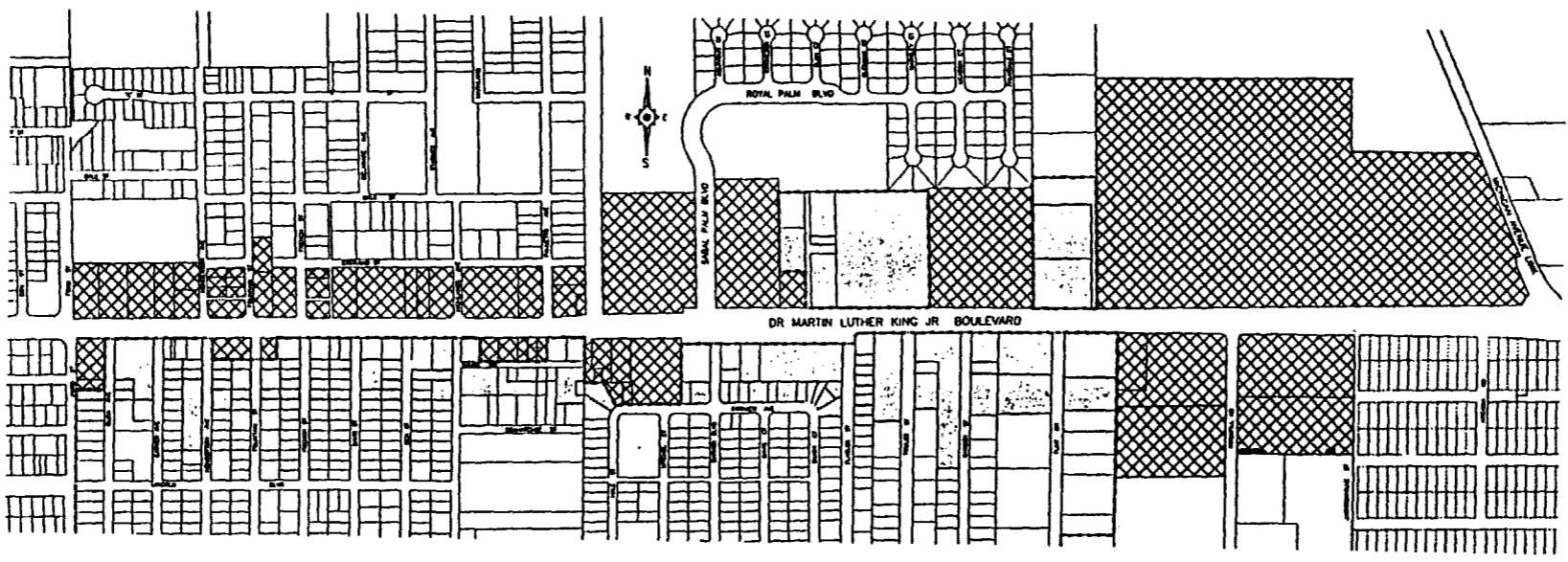


City Study Area



Unincorporated Enclave

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



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