

ORDINANCE NO. 2948

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)(12) DR. MARTIN LUTHER KING JR. BOULEVARD REDEVELOPMENT SUB-AREA 3 AND BY CREATING SECTION 2-234 REDEVELOPMENT TRUST FUND FOR AREA 12; 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)(12) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 3 is hereby created to read as follows:

(12) Dr. Martin Luther King Jr. Boulevard Redevelopment Sub-Area 3:

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Lots 14, 21, 27, and 28 of Pine Crest, Plat Book 5, Page 3. Less Right of Way of Ortiz Avenue, Dr. Martin Luther King Jr. Boulevard (S.R. 82), Old Immokalee Road, and Benchmark Avenue.

Together With:

A Parcel of Land described In O.R. 2608, Page 1107, and that Part of Lots 1, 28, and 29, Benchmark Corporate Park, Plat Book 42, Page 61 lying in Section 16, Township 44 S, Range 25 East, Public Records of Lee County, Florida.

Together With:

Lots 1, 2, 4, 5, and 6, Interstate Park 82, Phase 2, Plat Book 45, Page 33, Public Records of Lee County, Florida.

Together With:

Lot 18 and that Part of Lot 23 and Lot 24, Interstate Park 82, Phase 1, Plat Book 41, Page 78, lying in Section 22, Township 44 South, Range 25 East, Public Records of Lee County, Florida.

Together With:

A Parcel of Land Described In O.R. 2629, Page 2220, O.R. 2125, Page 4624, and that Part of O.R. 2118, Page 929 lying West of I-75 in Section 22, Township 44 South, Range 25 East, 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 2-234 Redevelopment trust fund for Area 12 is hereby created to read as follows:

Section 2-234. Redevelopment trust fund for Area 12.

(a) There is hereby established in accordance with the provision of F.S. 163.387, a redevelopment trust fund for Area 12, also known as Dr. Martin Luther King Jr. Boulevard Sub-Area 3, which fund is hereinafter referred to as the Dr. Martin Luther King, Jr. Boulevard Sub-Area 3 Trust Fund. The finance director of the city is hereby appointed and designated to administer the Dr. Martin

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Luther King Jr. Boulevard Sub-Area 3 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 3 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 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 12.

(b) There shall be annually paid into the Dr. Martin Luther King Jr. Boulevard 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:

- (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 12; 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 12 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 April 3, 2000.

(c) The agency shall annually receive and deposit into the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 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 3 Trust Fund shall commence as of April 3, 2000 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 12, if any, and any interest thereon incurred by the agency have been paid. The funding of the Dr. Martin Luther King Jr. Boulevard Sub-Area 3 Trust Fund shall continue for the duration of the Dr. Martin Luther King Jr. Boulevard Redevelopment Plan, the community redevelopment plan for Area 12.

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.

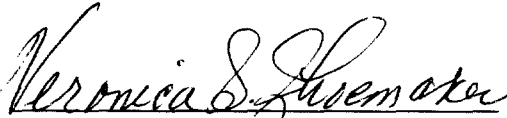
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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 3rd day of April, A.D., 2000.

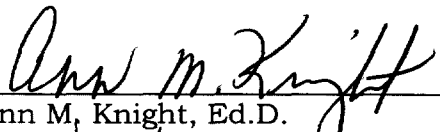
AYE


Dr. W. Robert Anderson

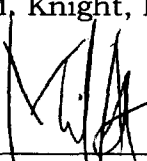
AYE


Veronica S. Shoemaker


AYE


Ann M. Knight, Ed.D.

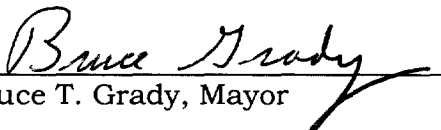
AYE


Michael Flanders


AYE


Brenda S. Brewer
Council Members



APPROVED this 3rd day of April A.D., 2000, at 7:03 o'clock p.m.


Bruce T. Grady, Mayor

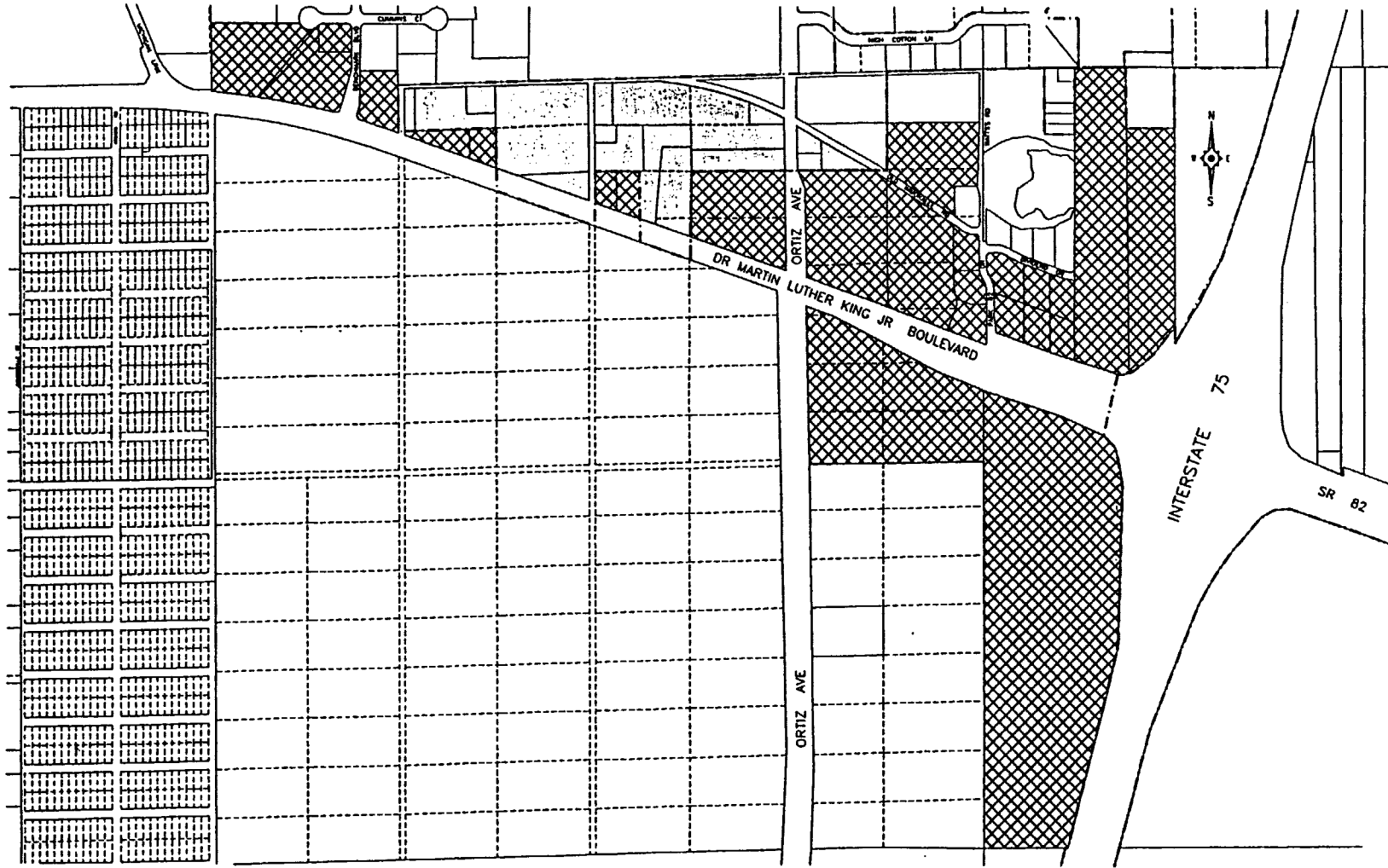
FILED in the Office of the City Clerk this 3rd day of April, A.D., 2000.


Marie Adams, City Clerk

Sub Area 3

-  City Study Area
-  Unincorporated Enclave

Dr. Martin Luther King Jr. Boulevard Redevelopment Plan



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