

ORDINANCE NO. 2426

**AN ORDINANCE
To Be Entitled:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY, ENTITLED FORT MYERS DOWNTOWN REDEVELOPMENT AGENCY; AMENDING THE TITLE THEREOF; PROVIDING THAT THE CITY COUNCIL SHALL BE THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; STATING PURPOSE AND INTENT; CONFIRMING AND RATIFYING CERTAIN PRIOR ACTIONS; PROVIDING AN AREA OF OPERATION OF THE AGENCY; DESCRIBING THREE COMMUNITY REDEVELOPMENT AREAS; REPEALING SECTION 2-55 OF THE CODE OF ORDINANCES OF THE CITY; REPEALING SECTION 5 OF ORDINANCE NO. 2249 OF THE CITY; THE CREATION OF THE VELASCO VILLAGE TRUST FUND; CREATING ADVISORY BOARDS TO THE AGENCY; PROVIDING FOR COOPERATION AND ASSISTANCE AMONG THE COMMUNITY REDEVELOPMENT AGENCY, THE ADVISORY BOARDS AND THE COMMUNITY REDEVELOPMENT DEPARTMENT OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, as amended, (the "Redevelopment Act"), the City of Fort Myers, Florida, (the "City") has previously created the Neighborhood Development Agency (the "NRA"), the Fort Myers Downtown Development Agency (the "DRA") and the Velasco Village Redevelopment Agency (the "VVRA") as three separate and distinct community redevelopment agencies to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

WHEREAS: The City Council of the City (the "City Council") now desires to consolidate the NRA, the DRA and the VVRA into one community redevelopment agency with the City Council as the governing body thereof; and

WHEREAS: The City Council desires to create and establish certain advisory boards to the Community Redevelopment Agency of the City for each of the community redevelopment areas previously designated for the NRA, the DRA and the VVRA.

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

SECTION 1. The City Council does hereby find and determine that it is in the best interest of the citizens of the City of Fort Myers that redevelopment activities pursuant to the Redevelopment Act be carried out within the City by and through one community redevelopment agency. The City Council does further find that Section 163.357(1)(a), Florida Statutes (1985), permits and authorizes the City Council, as the governing body of the City, to designate itself as the community redevelopment agency in the City, known as the Community Redevelopment Agency of the City of Fort Myers, Florida (the "Agency"), created pursuant to the Redevelopment Act, and that by the adoption of its Resolution No. 87-46 on September 9, 1987, the City Council has designated itself as the Agency and is the governing body thereof. The City Council does further find that it will be beneficial to the Agency and will be in the best interests of the citizens of the City residing in, engaging in business in owning property in the three community redevelopment areas previously designated for the NRA, the DRA and the VVRA that citizen advisory boards for each such area be created and established to provide a means for advising the Agency on redevelopment within those areas of the City.

SECTION 2. The City Council does hereby declare and state that the purpose and intent of this ordinance is to implement the action taken by the City Council in adopting Resolution No. 87-46 by making such amendments and revisions to Chapter 2, Article VI of the Code of Ordinances of the City as may be necessary to effectuate the City Council's intent and desire to have only one community redevelopment agency in the City and to create and establish advisory boards to advise that Agency as to community redevelopment within the City.

SECTION 3. The City Council does hereby ratify any and all actions previously taken by the governing bodies, officers and

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employees of the NRA, the DRA and the VVRA, and the City Council, as the Agency by virtue of having adopted Resolution No. 87-46 pursuant to Section 163.357(1)(a), Florida Statutes (1985), is and does acknowledge that it is subject to all of the responsibilities and liabilities imposed or incurred by the prior agencies and all rights, powers, duties, privileges and immunities that were vested in the prior agencies are now vested in the City Council as the Agency, subject to all responsibilities and liabilities imposed or incurred; provided, however, that nothing herein is intended or shall be deemed to prohibit the City Council, acting in its capacity as the governing body of the Agency, from reviewing, revoking, reversing or otherwise changing any action, policy, contract, agreement, program, activity, instrument, or other matter approved or implemented by any prior agency to the extent not prohibited by law.

SECTION 4. Subsections (a) and (b) of Section 2-52 of the Code of Ordinances of the City are amended to read:

(a) The City Council does hereby create and establish a community redevelopment agency of the City of Fort Myers with the responsibility and duty to carry out the redevelopment of the area located within the City described in Section 2-53.

(b) Pursuant to Section 163.357, Florida Statutes, the City Council hereby designates itself to be the governing body of the community redevelopment agency, created and established pursuant to Part III, Chapter 163, Florida Statutes. All the rights, powers, privileges, duties and immunities of a community redevelopment agency provided by Part III, Chapter 163, Florida Statutes, are vested in and may be exercised by the community redevelopment agency.

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SECTION 5. Section 2-53 of the Code of Ordinances of the City is amended to read:

Section 2-53. Name and Purpose.

(a) There is hereby created and established pursuant to Part III, Chapter 163, Florida Statutes, a community redevelopment agency known as the Community Redevelopment Agency of the City of Fort Myers, Florida (hereinafter referred to as the "Agency").

(b) The purpose of the Agency is to carry out redevelopment within the City in the Community Redevelopment Areas described in subsection (c) to the extent permitted by applicable law, including but not limited to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act").

(c) The community redevelopment area of the Agency consists of three areas located within the corporate limits of the City which evidence conditions of a slum or blighted area, or both, as those terms are defined in the Redevelopment Act and which have been found by the City Council to contain those conditions:

(1) Area 1. Beginning at the intersection of the east right-of-way line of Palm Avenue and the south right-of-way line of Market Street extended; thence, westerly along the south right-of-way line of Market Street to the east right-of-way line of Central Avenue; thence southerly along said line to the south right-of-way line of Hoople Street extended; thence, westerly along said right-of-way line and said line extended to the west right-of-way line of Heitman Street;

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thence, northerly along said right-of-way line to the north right-of-way line of Anderson Avenue; thence, easterly along said line to the southeast right-of-way line of Second Street; thence, northeasterly along said right-of-way line for a distance of approximately 145 feet to a property line; thence, southeasterly along said property line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line for a distance of approximately 225 feet to a property line extended; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Broadway; thence, southeasterly along said right-of-way line for a distance of approximately 85 feet to a property line, thence, northeasterly along said property line for a distance of approximately 90 feet to a property line; thence, southeasterly along said property line for a distance of approximately 60 feet to a property line; thence northeasterly along said property line and said property line extended to the northeast right-of-way line of Hendry Street; thence, southeasterly along said right-of-way line for a distance of approximately 130 feet to a property line; thence, northeasterly along said property line for a distance of approximately 130 feet to the northeast right-of-way line of an unnamed alley; thence southeasterly along said right-of-way line for a distance of

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approximately 50 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Jackson Street; thence, southeasterly along said right-of-way line for a distance of approximately 25 feet to a property line; thence, northeasterly along said property line for a distance of approximately 200 feet to a property line; thence, southeasterly along said property line for a distance of approximately 145 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Lee Street; thence, southeasterly along said right-of-way line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line to the southeast right-of-way line of Thompson Street; thence, northeasterly along said right-of-way line for a distance of approximately 185 feet to a property line; thence, southerly along said property line to the north right-of-way line of Anderson Avenue; thence, easterly along said right-of-way line for a distance of approximately 590 feet to a property line; thence, northerly along said property line for a distance of approximately 100 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Fowler Street; thence, southeasterly along said right-of-way line for a distance of

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approximately 100 feet to a property line; thence, easterly along said property line for a distance of approximately 120 feet to a property line; thence, southeasterly along said property line for a distance of approximately 10 feet to a property line; thence, northeasterly along said property line and said property line extended to the northeast right-of-way line of Hough Street; thence, southeasterly along said right-of-way line for a distance of approximately 100 feet to a property line; thence, northeasterly along said property line for a distance of approximately 150 feet to a property line; thence, southeasterly along said property line for a distance of approximately 110 feet to a property line; thence, northeasterly along said property line and said property line extended to the intersection of the east right-of-way line of Evans Avenue and a property line; thence, easterly along said property line, which is the rear lot line of properties fronting on the north side of Anderson Avenue, to the east right-of-way line of Palm Avenue; thence, southwesterly along said right-of-way line to the south line of Market Street extended, which is the point of beginning.

- (2) *Area 2. Beginning at the intersection of the centerline of the thread of Bill's 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*

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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

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south line of Victoria Avenue; thence run westerly along said southerly line of 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 southwesterly line of Altamont Avenue for 57 feet, more or less to an intersection with the southeasterly line of McGregor Boulevard; thence run southwesterly 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 northwesterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Route No. 45; thence run northeasterly along said Limit; perpendicular to an passing through a point on said centerline at 300 feet for 600 feet; thence run northwesterly 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 northwesterly along said Limit

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(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 or 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's Creek; thence run southeasterly along said centerline for 530 feet, more or less to the Point of Beginning.

- (3) Area 3. A tract or parcel of land lying in the southeast quarter (SE $\frac{1}{4}$) of Section 13, Township 44 South, Range 24 East and in the southwest quarter (SW $\frac{1}{4}$) of Section 18, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the centerline of Evans Avenue (50 feet wide) with a westerly prolongation of the northerly line of the alley (10 feet wide) in Block 4, Evans Addition to Fort Myers as shown on plat recorded in Plat Book 1 at Page 29, Lee County records run easterly along said prolongation and said northerly line to the westerly line of Cranford Avenue (60 feet wide); thence continue easterly to the southwest corner of Lot 25, Block 3, said Evans Addition; thence run easterly along the northerly line of the alley (10 feet wide) in said Block 3 and an easterly prolongation thereof to an intersection with the easterly

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line of Palm Avenue (60 feet wide); thence run southerly along said easterly line to an intersection with the northerly line of the southwest quarter (SW $\frac{1}{4}$) of Government Lot 3, said Section 18; thence run easterly along said northerly line and the northerly line of G.V. Johnson's Diagram recorded in Plat Book 2 at page 9, Lee County records to the northeast corner of Block 1 in said Diagram; thence run southerly along the easterly line of said Block 1 to the northerly line of Indian Street (37 feet wide); thence run easterly along said northerly line to an intersection with the northerly prolongation of the easterly line of Velasco Street (50 feet wide) as shown on plat of Kinzie Court recorded in Plat book 8 at page 77, Lee County records; thence run southerly along said easterly line and the easterly line of Velasco Street (30 feet wide) beginning at the westerly line of Block 4, Knight's Extension as shown on plat recorded in Plat Book 2 at page 2, Lee County records and a southerly prolongation thereof to an intersection with a southerly line of Blount Street as shown on said plat of Knight's Extension; thence run easterly along said southerly line to the northwest corner of Block 6, Knight's Extension; thence run southerly along the westerly line of said Block 6 and the easterly line of an alley (20 feet wide) to the southwest corner of Lot 9, said Block 6, thence run westerly to the southeast corner of Lot 9, Block 3, said

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Knight's Extension; thence continue westerly along the southerly line of said Lot 9 to the east line of Velasco Street (60 feet wide); thence continue westerly to the southeast corner of Lot 9, Block 2, said Knight's Extension; thence continue westerly along the southerly line of said Lot 9 to the southwest corner of said lot on the east line of an alley (20 feet wide); thence run westerly to the southeast corner of Lot 9, Block 1, Knight's Extension; thence run westerly along the southerly line of said Lot 9 to the easterly line of Knight Street (60 feet wide); thence run westerly to the southeast corner of Lot 8, Blount's Addition as shown on plat recorded in Plat Book 1 at page 58, Lee County records; thence run westerly along the southerly line of said Lot 8 and the southerly line of Lot 7 in said Blount's Addition to said easterly line of Palm Avenue (60 feet wide); thence run westerly to the northeast corner of Lot 48, Block 13, said Evans Addition; thence run westerly along the southerly line of the alley (10 feet wide) in said Block 13 to the easterly line of said Cranford Avenue (60 feet wide); thence run westerly across said Cranford Avenue to the northeast corner of Lot 24, Block 14 said Evans Addition; thence run westerly along the southerly line of the alley (10 feet wide) in said Block 14 and the westerly prolongation thereof to said centerline of Evans Avenue;

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*thence run northerly along said centerline to
the Point of Beginning.*

SECTION 6. Section 2-54 of the Code of Ordinances of the City is hereby amended to read:

Section 2-54. Redevelopment Trust Fund for Area 2.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 2, also known as the downtown redevelopment area, which fund is hereinafter referred to as the "Downtown Trust Fund". The Director of Finance of the City is hereby appointed and designated to administer the Downtown Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Downtown Trust Fund in accordance with applicable laws, ordinance, resolutions and directives of the Agency. The monies allocated to and deposited into the Downtown 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 2.

(b) There shall be annually paid into the Downtown 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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- (1) *The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 2; and*
- (2) *The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 2 as shown upon the most recent interim assessment roll of taxable real property in Area 2, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to September 17, 1984.*

(c) The Agency shall annually receive and deposit into the Downtown Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purposes of this article, "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Downtown Trust Fund shall commence as of September 17, 1984 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 2, if any, and any

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interest thereon incurred by the Agency have been paid.

(e) The funding of the Downtown Trust Fund shall continue for the duration of the Fort Myers Plan, the community redevelopment plan for Area 2.

SECTION 7. Section 2-55 of the Code of Ordinances of the City is hereby deleted and a new Section 2-55 Redevelopment Trust Fund for Area 3 is hereby created to read:

Section 2-55. Redevelopment Trust Fund for Area 3.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 3, also known as the Velasco Village redevelopment area, which fund is hereinafter referred to as the "Velasco Village Trust Fund". The Director of Finance of the City is hereby appointed and designated to administer the Velasco Village Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Velasco Village Trust Fund in accordance with applicable laws, ordinance, resolutions and directives of the Agency. The monies allocated to and deposited into the Velasco Village Trust Fund are hereby appropriated to and may only be used by the Agency to pay the costs of and to finance the undertaking of the Agency to carry out redevelopment within Area 3.

(b) There shall be annually paid into the Velasco 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

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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 on taxable real property contained within the geographic boundaries of Area 3; and

(2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 3 as shown upon the most recent interim assessment roll of taxable real property in Area 3, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to September 22, 1987.

(c) The Agency shall annually receive and deposit into the Velasco Village Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purpose of this article, "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Velasco Village Trust Fund shall commence on

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September 22, 1987, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 3, if any, and any interest thereon incurred by the Agency have been paid.

(e) The funding of the Velasco Village Trust Fund shall continue to the extent permitted by the Redevelopment Act for the duration of the community redevelopment plan adopted by the Agency and the City Council for Area 3, including any amendments to such plan.

SECTION 8. Section 2-56 of the Code of Ordinances of the City is hereby created to read:

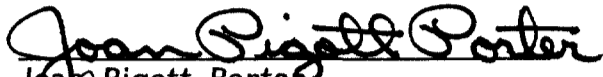
Section 2-56. Advisory Boards.

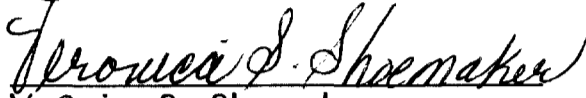
There is hereby created a citizens advisory board composed of residents of Fort Myers, Florida, for each of the Community Redevelopment Areas described in Section 2-53, which board shall advise the Agency on redevelopment within its Community Redevelopment Area. The members of such board shall be in such numbers and shall be appointed and shall provide such services as are determined by the Agency.

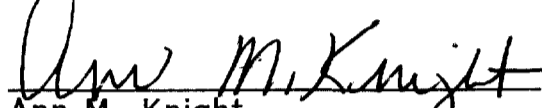
SECTION 9. This ordinance shall become effective on November 22, 1987.

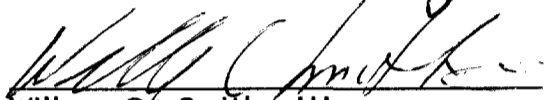
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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 14 day of Nov, A.D., 1987.


Joan Pigott Porter



Veronica S. Shoemaker


Ann M. Knight


Wilbur C. Smith, III


Paul B. Henderson
Council Members

APPROVED this 16 day of Nov, A.D., 1987, at 8:14 o'clock p.m.


Arthur N. Hamel, Mayor

FILED in the Office of the City Clerk this 16 day of Nov, 1987.


M.W. Matz, City Clerk