

**ORDINANCE NO. 3401**

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)(15) AREA 15. EAST FORT MYERS REDEVELOPMENT AREA, AND SECTION 26-48 EAST FORT MYERS TRUST FUND FOR AREA 15; 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)(15) East Fort Myers Redevelopment Area to read as follows:

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(15) *Area 15. East Fort Myers Redevelopment Area.*

A parcel of land in Lee County, Florida. Beginning at the intersection of Marsh Ave. and Billy's Creek run southwesterly along Billy's Creek to the intersection of Billy's Creek and First St., continuing from the intersection of Billy's Creek and First St. toward the river and continue in northwesterly direction, then follow the river in the northeasterly direction to the intersection of the river and the city limit boundary, then following the city limit boundary in southerly direction until it intersects with Woodside Ave., then west on Woodside Ave. to the intersection of Woodside Ave. and Marsh Avenue, then south on Marsh Ave. to the intersection of Marsh Ave. and Billy's Creek and back to P.O.B.

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

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Chapter 26, Community Development and Improvements, Article II Community Redevelopment, Section 26-48. East Fort Myers Trust Fund for area 15 is hereby created to read as follows:

**Sec. 26-48. East Fort Myers Trust Fund for area 15.**

(a) There is hereby established in accordance with the provisions of F.S. 163.387, a redevelopment trust fund for Area 15, also known as the East Fort Myers, which fund is hereinafter referred to as the East Fort Myers Trust Fund. The financial services director of the city is hereby appointed and designated to administer the East Fort Myers Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the East Fort Myers Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the East Fort Myers Trust Fund are hereby appropriated to and may only be used by the agency to pay the costs of and to finance the

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undertakings of the agency to carry out redevelopment within area 15.

(b) There shall be annually paid into the East Fort Myers 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 15; 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 15 as shown upon the most recent assessment roll used in 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 East Fort Myers 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).

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(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 East Fort Myers Trust Fund shall commence as of May 21, 2007, and shall continue until all loans, advances and indebtedness pertaining to redevelopment in area 15, if any, and any interest thereon incurred by the agency have been paid. The funding of the East Fort Myers Trust Fund shall continue for the duration of the East Fort Myers Redevelopment Plan, the community redevelopment plan for area 15.

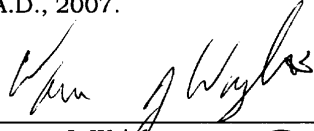
**SECTION 3. Severability**

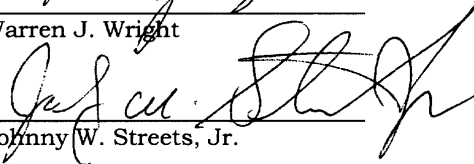
Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

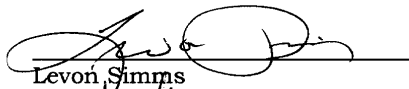
**SECTION 4.** This ordinance shall become effective immediately upon adoption.

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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.

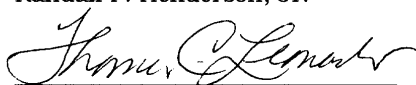
Aye   
Warren J. Wright

Aye   
Johnny W. Streets, Jr.

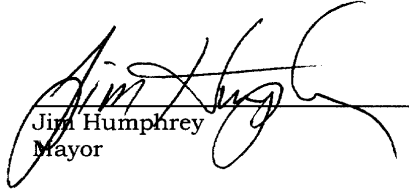
Aye   
Levon Simms

Aye   
Michael Flanders

\_\_\_\_\_  
Randall P. Henderson, Jr.

Aye   
Thomas C. Leonardo  
Council Members

**APPROVED** this 21st day of May, A.D., 2007, at 9:00 o'clock  
p.m.

Aye   
Jim Humphrey  
Mayor

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

  
Marie Adams, CMC  
City Clerk