RESOLUTION NO. 92-M-28
COMMUNITY REDEVELOPMENT RESOLUTION
FOR THE CITY OF WINTER GARDEN

A RESOLUTION PERTAINING TO REDEVELOPMENT OF
A SPECIFIED PART OF ORANGE COUNTY, FLORIDA;
DELEGATING CERTAIN COMMUNITY REDEVELOPMENT
POWERS FROM THE BOARD OF COUNTY
COMMISSIONERS TO THE CITY OF WINTER GARDEN
AND PROVIDING FOR OTHER MATTERS IN
CONNECTION THEREWITH; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, the Community Redevelopment act of 1969, as
codified in Part III of Chapter 163, Florida Statutes,
empowers counties and municipalities to undertake community
redevelopment in order to eliminate, remedy or prevent slum
and blighted areas and to provide affordable housing; and

WHEREAS, the City of Winter Garden (the "City") has
determined that a portion of the municipality comprising its
"downtown" area and adjacent areas would benefit from
community redevelopment in that one or more slum or blighted
areas, in which there is a shortage of housing affordable to
residents of low or moderate income, exist within such
portions of the City; and

WHEREAS, the City has determined that there is a need for
a community redevelopment agency to function within the City
in order to carry out community redevelopment; and

WHEREAS, under Section 163.410, Florida Statutes, in any
county which has adopted a home rule charter, the powers
conferred by the Community Redevelopment Act of 1969 are to be
exercised exclusively by the governing body of such county
unless the governing body of such county, by resolution,
specifically delegates the exercise of such powers within the
corporate boundaries of a municipality to the governing body of
such municipality; and

WHEREAS, since Orange County has adopted a home rule
charter, it is necessary for the City Commission of the City
of Winter Garden, Florida, to obtain a delegation of the
powers conferred upon Orange County by the Community
Redevelopment Act of 1969 so that the City may exercise the
authority and privileges conferred by such act within the
community redevelopment area boundaries of the City; and
WHEREAS, Section 163.410, Florida Statutes, permits such a delegation to be made subject to such conditions and limitations as Orange County may impose; and

WHEREAS, the City has requested that Orange County delegate to the City the right and authority to exercise certain powers, such powers to specifically include the power to create a Community Redevelopment Agency as part of the municipal public body or taxing authority, under Part III, Chapter 163, Florida Statutes; and

WHEREAS, the Board of County Commissioners (the "Board") is interested in delegating community redevelopment powers to the City of Winter Garden because there are problems of blight within its designated district.

NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. Creation of Community Redevelopment Agency; Boundaries of Community Redevelopment Area.

   a. The City is hereby delegated, subject to the restrictions set forth herein, the power to create, or in the alternative the governing body of the City may declare itself to be, a Community Redevelopment Agency relating only to that portion of the City of Winter Garden described in the attached Exhibit "A", and hereafter referred to as the "Community Redevelopment Area" and "Community Redevelopment Reserve Area". The membership of the Community Redevelopment Agency may, at the Board of County Commissioner's sole discretion, include one person appointed by the Board. If the City Council declares itself to be the Community
Redevelopment Agency, it shall add to the membership of the agency that person appointed by the Board.

b. If the City of Winter Garden should desire to annex the Community Redevelopment Reserve Area ("Reserve Area") or any portion thereof into the City of Winter Garden, the annexation process will proceed with such notice to the County and comply with all such requirements as is set forth under Florida law.

Should the "Reserve Area" or any portion thereof be annexed into the City of Winter Garden, the Community Redevelopment Agency may subsequently submit a request to the Board to include the annexed portion into the Community Redevelopment Area. The request shall be in writing and be addressed to the County Chairman.

The Board shall hold a public meeting to discuss and vote on the issue of the addition of the annexed portion into the Community Redevelopment Area. Upon the affirmative vote of the Board, the City shall be deemed to be delegated those powers with regard to the annexed portion as set forth in Section 3 hereof.

c. The boundaries of the Community Redevelopment Area may not be expanded except as set forth above, without the further express consent of the Board evidenced by an additional delegating resolution. The Community Redevelopment Agency may contract the boundaries of the
community redevelopment area, removing up to but not exceeding ten (10\%) percent of the area, without the Board's consent.

2. **Community Redevelopment Plan.**
   
a. The City is hereby delegated the power to adopt a resolution in accordance with Section 163.355, Florida Statutes, and to prepare (or to have prepared) a community redevelopment plan (the "Plan") in accordance with Section 163.360, Florida Statutes, provided that the Board expressly retains the power to review and approve such Plan, either as prepared by the City or Community Redevelopment Agency. The Plan shall not take effect until such time as the Board has approved it, as evidenced by an approving resolution of the Board.

b. As contemplated or implied by Sections 163.360, 163.362, and other pertinent sections of Florida Statutes, the Plan shall set forth with specificity:
   
   (1) the capital projects to be funded by the City in whole or in part with tax increment revenues;
   
   (2) the location and estimated cost of each such capital project;
   
   (3) the nature, size, design, and other descriptive elements of each such project; and
   
   (4) the schedule or estimated timing of each project.
c. The City and the Community Redevelopment Agency shall create an advisory board to the Community Redevelopment Agency to provide input throughout the implementation and further development of the Plan if the City Council appoints itself as the Community Redevelopment Agency. Such advisory board shall be composed of members representative of the City's population. The results of the advisory board's deliberations shall be transmitted to the Board at the time the Plan is presented for the Board's review and approval.

d. After its approval by the Board, the Plan shall not be amended without the express consent of the Board, as evidenced by an approving resolution, and the City shall not deviate substantially from the projects set forth in the Plan (including their nature, size, design, location, schedule and estimated cost) without an amendment to the Plan.

3. Delegation of Powers. Upon approval of the Plan by the Board, the City shall be deemed to have been delegated all other powers necessary or convenient to carry out and effectuate the purposes and provisions of Part III of Chapter 163 of Florida Statutes, including the powers set forth in Section 163.370 of Florida Statutes.

4. Liability. Nothing contained herein shall impose any liability upon Orange County for any acts of the City or the Community Redevelopment Agency.
5. **Financing.**

   a. The Community Redevelopment Agency ("CRA") may issue revenue bonds pursuant to Section 163.385, Florida Statutes, provided that the CRA first obtains Board approval of (i) the projects to be funded by the bonds, (ii) the principal amount of the bonds to be issued, and (iii) the maturity schedule and interest rates for the bonds to be issued.

   b. The issuance of revenue bonds shall not create a pledge of the faith and credit of Orange County, but shall be payable solely from the tax increment revenues generated from the community redevelopment area plus any other non-ad valorem revenues expressly approved by the Board.

   c. Any extension of the maturity of the bonds and any increase in the interest rates for the bonds, whether as part of an issuance of refunding bonds or otherwise, shall be prohibited without the express consent of the Board.

6. **Sunset Provision.** Unless the Board expressly approves otherwise, this resolution and any amendments or supplements hereto, as well as the Plan and the existence of a separate Community Redevelopment Agency, if any, shall expire and terminate on January 1, 2023. Furthermore, this resolution shall be deemed repealed and of no further effect if the Board has not received and approved the Plan on or before October 1, 1993.
7. **Severability.** The provisions of this Resolution are not severable. If any part of this instrument is held invalid by a court of law or is superseded by any existing or future statute, this Resolution shall be deemed void and of no further effect.

8. **Interlocal Agreement.**

This Resolution shall expire and be of no further effect if, as of July 1, 1993, the City and Orange County have not entered into an interlocal agreement under which the City is obligated by contract to rebate back to the County each year, as consideration for its willingness to delegate the powers described herein, the following portion of the amount deposited by the County in the Community Redevelopment Trust Fund pursuant to Section 163.387 of Florida Statutes for the particular year:

   (a) 30% of the amount in excess of $1,000,000 but less than or equal to $2,000,000, plus

   (b) 50% of the amount in excess of $2,000,000.

9. **Effective Date.** This Resolution shall take effect immediately upon its adoption.
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, THIS 23rd DAY OF June, 1992.

ORANGE COUNTY, FLORIDA

BY:  [Signature]

for the Orange County Chairman

ATTEST:  Martha O. Haynie, County Comptroller

As Clerk of the Board of County Commissioners

BY: [Signature]

Deputy Clerk

KKC:BB207  06/23/92
5.2.1 DESCRIPTION OF BOUNDARIES

Community Redevelopment Area ("Area") boundary is as follows: Begin at the intersection of the west right-of-way line of S. Park Avenue and the south right-of-way line of W. Smith Street; thence east along the said south right-of-way of W. Smith Street to the east right-of-way line of Ninth Street; thence north along the said east right-of-way line of Ninth Street to the intersection of the centerline of the T&G Railroad Tracks; thence east along the said centerline of the T&G Railroad Tracks to the east right-of-way line of Eleventh Avenue; thence north along the said east right-of-way line of Eleventh Avenue to the centerline of Plant Street (S.R. 438); thence north along the east right-of-way line of Hennis Road to the intersection of the centerline of the A.C.L Railroad Tracks; thence southeast along the said centerline of the A.C.L Railroad Tracks to a point approximately 575 linear feet from the said east right-of-way line of Hennis Road; thence west 1,150 linear feet from the said point on the A.C.L Railroad Tracks; thence north 1,300 linear feet from the said point; thence west to the north right-of-way line of Division Street and along said north right-of-way line of Division Street to the west right-of-way line of Palm Drive; thence north along the said west right-of-way of Palm Drive to the north property line of the lot fronting Division Street and Palm Drive; thence west along the property line of the said lot to the westerly right-of-way line of Surprise Drive; thence north along the said westerly right-of-way line of Surprise Drive to the west right-of-way of Dillard Street; thence south along the said west right-of-way line of Dillard Street to the south right-of-way line of Newell Street; thence west along said right-of-way line of Newell Street to the west right-of-way line of Lakeview Avenue; thence south along the said west right-of-way line of Lakeview Avenue to the north right-of-way line of Henderson Street; thence west along the said north right-of-way line of Henderson Street to the west right-of-way line of Highland Avenue; thence south along the said west right-of-way line of Highland Avenue to the north right-of-way line of Bay Street; thence west along the said north right-of-way line of Bay Street to the west right-of-way line of Park Avenue; thence south along the said west right-of-way line of Park Avenue to the point of beginning.

Community Redevelopment Reserve Area ("Reserve Area") boundary is as follows: Begin at the intersection of the centerline of Plant Street (S.R. 438) and the east right-of-way line of Eleventh Street; thence south along the said east right-of-way line of Eleventh Street to the intersection of the centerline of the T&G Railroad Tracks; thence west along said centerline of the T&G Railroad Tracks to the east right-of-way line of Ninth Street; thence south along said east right-of-way line of Ninth Street to the south right-of-way line of Maple Street; thence east along the said south right-of-way line of Maple Street to the termination point of Maple Street; thence east approximately 1,700 linear feet from the said termination point of Maple Street to the proposed west right-of-way line of the Northwest Beltway; thence north along the said proposed right-of-way line of the Northwest Beltway approximately 4,500 linear feet (across Plant Street); thence west from said proposed west right-of-way line of the Northwest Beltway to the west right-of-way line of East Crown Point Road; thence west from the said west right-of-way line of East Crown Point Road to the west right-of-way line of West Crown Point Road; thence southwesterly from the said west right-of-way line of West Crown Point Road to the west right-of-way line of Hennis Road; thence southwesterly from the said west right-of-way line of Hennis Road approximately 1,750 linear feet to the Community Redevelopment Area boundary line; thence south along the said Community Redevelopment Area boundary line to a point approximately 1,300 linear feet from said point; thence east from said point approximately 1,150 linear feet to the centerline of the A.C.L Railroad Tracks; thence along the centerline of the said A.C.L Railroad Tracks to the east right-of-way line of Hennis Road; thence south along said east right-of-way of Hennis Road to the point of beginning.

The Winter Garden Community Redevelopment Area and Community Redevelopment Reserve Area are depicted in Figure 5.2.