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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

1 WHEREAS, Section 163.410, Florida Statutes, permits such
2 a delegation to be made subject to such conditions and
limitations as Orange County may impose; and

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

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

9 NOW, THEREFORE,

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

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

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

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

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

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

21 c. The boundaries of the Community Redevelopment
22 Area may not be expanded except as set forth above, without
23 the further express consent of the Board evidenced by an
24 additional delegating resolution. The Community
25 Redevelopment Agency may contract the boundaries of the

1 community redevelopment area, removing up to but not
2 exceeding ten (10%) percent of the area, without the Board's
3 consent.

4 2. Community Redevelopment Plan.

5 a. The City is hereby delegated the power to adopt
6 a resolution in accordance with Section 163.355, Florida
7 Statutes, and to prepare (or to have prepared) a community
8 redevelopment plan (the "Plan") in accordance with Section
9 163.360, Florida Statutes, provided that the Board expressly
10 retains the power to review and approve such Plan, either as
11 prepared by the City or Community Redevelopment Agency. The
12 Plan shall not take effect until such time as the Board has
13 approved it, as evidenced by an approving resolution of the
14 Board.

15 b. As contemplated or implied by Sections 163.360,
16 163.362, and other pertinent sections of Florida Statutes,
17 the Plan shall set forth with specificity:

18 (1) the capital projects to be funded by the
19 City in whole or in part with tax increment revenues;

20 (2) the location and estimated cost of each
21 such capital project;

22 (3) the nature, size, design, and other
23 descriptive elements of each such project; and

24 (4) the schedule or estimated timing of each
25 project.

1 7. Severability. The provisions of this Resolution are
2 not severable. If any part of this instrument is held
3 invalid by a court of law or is superseded by any existing or
4 future statute, this Resolution shall be deemed void and of
5 no further effect.

6 8. Interlocal Agreement.

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

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

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

19 9. Effective Date. This Resolution shall take effect
20 immediately upon its adoption.

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ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, THIS 23rd DAY OF June, 1992.

ORANGE COUNTY, FLORIDA

BY: Vera M. Carter
for the Orange County Chairman

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: Mary D. Garrison
Deputy Clerk

EXHIBIT A

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 line 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 southwest from the said west right-of-way line of West Crown Point Road to the west right-of-way line of Hennis Road; thence southwest 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.