

AUG 16 1994 *ca/ypw*

RESOLUTION NO. 94-M-45

WINTER GARDEN  
COMMUNITY REDEVELOPMENT RESOLUTION

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 slums 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 or 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 (the "County") may impose; and

WHEREAS, in May 1992, the City 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") determined that it was interested in delegating community redevelopment powers to the City of Winter Garden primarily because there are one or more slum or blighted areas or areas in which there is a shortage of housing affordable to residents of low or moderate income as well as substantial social and economic problems in the "downtown" area and adjacent areas that can and should be addressed; and

WHEREAS, on June 23, 1992, the Board adopted Resolution No. 92-M-28 which delegated to the City the power to create the Winter Garden Community Redevelopment Agency (the "Community Redevelopment Agency") pursuant to the conditions set forth in said Resolution; and

WHEREAS, Section 8 of said Resolution provided that the City and County must enter into an interlocal agreement by July 1, 1993, pertaining to rebate of certain community redevelopment trust funds or Resolution No. 92-M-28 would expire and be of no further effect; and

WHEREAS, due to oversight, the interlocal agreement was never entered into between the parties; and

WHEREAS, it is the intent of both the City and the County that all conditions set forth in Resolution No. 92-M-28 be re-established and re-adopted by the County except that the July 1, 1993 expiration date contained in Paragraph 8 of said Resolution is changed to October 1, 1994; and

WHEREAS, the City created the Community Redevelopment Agency, the Community Redevelopment Advisory Board and prepared a Community Redevelopment Plan based on power conferred on the City by Resolution 92-M-28; and

WHEREAS, it is the intent of the City and County that all previous powers granted to the City be regranted to the City by the County and that the Community Redevelopment Plan previously prepared by the City and adopted by both the County and the City, be now re-adopted by the County; and

WHEREAS, to the extent permitted by law, it is also the intent of the City and County that, for purposes of determining the tax - increment revenues to be deposited into the Community Redevelopment Trust Fund, the most recent assessment roll used in connection with the taxation of the property pursuant to Section 163.387(1)(b) shall mean the assessment roll used prior to the effective date of Resolution No. 92-M-28. NOW THEREFORE,

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

1. Redelegation of Power to City to Create a Community Redevelopment Agency; Boundaries of Community Redevelopment Area.

a. It is hereby confirmed that the City had the power to create or, in the alternative, declare itself to be a community redevelopment agency pursuant to County Resolution No. 92-M-28 and that the City is hereby redelegated 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." The membership of the Community Redevelopment Agency may, at the sole discretion of the Board of County Commissioners, 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 the 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 simultaneously or 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 majority 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. However, 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 as described in Exhibit "A", without the Board's consent.

2. Community Redevelopment Plan.

a. The City is hereby re-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 or as modified by the Board. 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. The Plan shall set forth with specificity the information required or implied by Sections 163.360, 163.362, and other pertinent sections of Florida Statutes, including, but not limited to, the following:

(1) the capital projects to be funded 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. It is hereby confirmed that the City and the Community Redevelopment Agency had the power to create a Community Redevelopment Advisory Board pursuant to County Resolution No. 92-M-28, and the County hereby redelegates to the City and the Community Redevelopment Agency the power to recreate and reapprove, to the extent necessary or appropriate, an advisory board to the Community Redevelopment Agency to provide input throughout the development and implementation of the Plan. The advisory board shall be composed of members representative of the City's population. Prior to submitting the Plan to the Board for review, the City shall submit the Plan to the advisory board, and the advisory board shall vote to approve the Plan in its entirety, to approve only specified parts of the Plan, or to disapprove the Plan in its entirety. 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. The Advisory Board's decision is not binding on either the Community Redevelopment Agency or the Board.

d. The City may not expend any tax increment revenues deposited by the County in the Community Redevelopment Trust Fund until the Plan has been approved by the Board and adopted by the Community Redevelopment Agency in accordance with Section 163.360, Florida Statutes, and for

that purpose such tax increment revenues shall be separately accounted for from other revenues or deposits. However, notwithstanding the foregoing, the City may expend increment revenues necessary for the development of the Plan.

e. The City had previously prepared a Community Redevelopment Plan which was approved by the Board pursuant to Resolution No. 92-M-29, and thereafter approved by the City. The Board hereby reapproves the Plan, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

f. 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 the adoption of this Resolution by the Board, the City is deemed to have been redelegated 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 may issue revenue bonds pursuant to Section 163.385, Florida Statutes, provided that the Community Redevelopment Agency first obtains Board approval by way of a majority vote of the Board regarding (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 majority vote of 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 September 30, 2023.



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 October 1, 1994, the City, the County and the Community Redevelopment Agency have not entered into an interlocal agreement under which the City and the Community Redevelopment Agency are 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. Thirty (30%) percent of the amount in excess of \$1,000,000.00 but less than or equal to \$2,000,000.00 plus

b. Fifty (50%) percent of the amount in excess of \$2,000,000.00.

In the alternative, the interlocal agreement may provide that the County shall pay to the City or the Community Redevelopment Agency (i) 70% of the amount of tax increment revenues in excess of \$1,000,000.00 but less than or equal to \$2,000,000.00 plus (ii) 50% of the amount in excess of \$2,000,000.00.

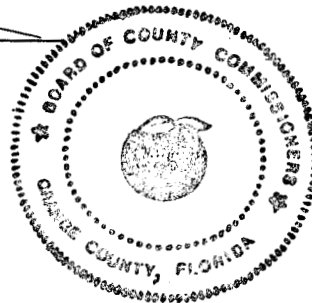
ADOPTED THIS 16<sup>th</sup> DAY OF August, 1993.

ORANGE COUNTY, FLORIDA

BY: Tom Staley  
for the County Chairman  
DATE: AUG 16 1994

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

BY: Martha O. Haynie  
Deputy Clerk



Exhibits "A" and "B"  
to Resolution 94-M-45 are  
located in the backup  
paperwork for this item  
(CA#1).