

APR 25 1995 CS/OP RESOLUTION NO. 95-M-24

WINTER PARK COMMUNITY REDEVELOPMENT SUPPLEMENTAL RESOLUTION

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 93-M-71 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 PARK TO EXPAND THE BOUNDARIES OF THE WINTER PARK COMMUNITY REDEVELOPMENT AREA AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 93-M-71 (the "Resolution"), the Board of County Commissioners of Orange County, Florida (the "Board") delegated to the City of Winter Park (the "City") the power to create or declare itself to be a Community Redevelopment Agency and a portion of the City designated therein as the "Community Redevelopment Area", in accordance with the Community Redevelopment Act of 1969, as codified in Part III of Chapter 163, Florida Statutes; and

WHEREAS, the Resolution prohibited the expansion of the boundaries of the Community Redevelopment Area without the further express consent of the Board, evidenced by an additional delegating resolution; and

WHEREAS, pursuant to the delegation contained in the Resolution, the City has adopted its resolution in accordance with Section 163.355, Florida Statutes, containing the City's findings of necessity for the creation of a Community Redevelopment Agency, has declared its city commission to be the Community Redevelopment Agency, and has created an advisory board to the Community Redevelopment Agency; and

WHEREAS, the City and its Community Redevelopment Agency (the "CRA") have determined that there is a need to expand the Community Redevelopment Area to include the area along the U. S. Highway 17-92 corridor from Lee Road to Fairbanks Avenue, and have requested the Board to consent to the expansion of the boundaries of the Community Redevelopment Area;

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

1. **Expansion of Boundaries of Community Redevelopment Area.**
 - a. The City is hereby delegated the further power to expand the boundaries of its existing Community Redevelopment Area to include that part of the City of Winter Park described in the attached Exhibit "A". If the City so expands the boundaries of its Community Redevelopment Area, then the existing City Community Redevelopment Agency shall carry out the community redevelopment purposes and powers as set forth in the Community Redevelopment Act of 1969.

b. The boundaries of the Community Redevelopment Area, as expanded pursuant to the additional delegation contained in this resolution, may not be expanded without the further express consent of the Board evidenced by an additional delegating resolution. However, the City may contract the boundaries of the Community Redevelopment Area, removing up to but not exceeding ten percent (10%) of the area, without the Board's consent.

2. Amendment to the Community Redevelopment Plan.

a. The City is hereby delegated the power to adopt a resolution in accordance with Section 163.355, Florida Statutes, relating to the expanded Community Redevelopment Area, and to prepare (or to have prepared) an amendment (the "Amendment") to its 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 amendment, either as prepared by the City or as modified by the Board. The Amendment 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 Amendment shall set forth with specificity:

- (1)** the 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 site, size, design, and other descriptive elements of each such project; and
- (4)** the schedule or estimated timing of each project.

c. Neither the City nor the CRA may expend any tax increment revenues deposited by the County in the Community Redevelopment Trust Fund arising from the real property contained within the geographic boundaries of the expansion to the Community Redevelopment Area as contained in Exhibit "A" attached hereto until the Amendment has been approved by the Board and adopted by the CRA in accordance with Section 163.360, Florida Statutes, and for that purpose, the fund shall contain separate accounts segregating County deposits from all other deposits, and further segregating the deposits arising from the real property described in Exhibit "A" attached hereto from the remainder of the real property contained within the Community Redevelopment Area. However, notwithstanding the foregoing, the City and the CRA may expend increment revenues necessary for the preparation of the CRA Plan.

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

3. **Delegation of Powers.** Upon approval of the Amendment to the Plan by the Board, the CRA 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, Florida Statutes, including the powers set forth in Section 163.370, Florida Statutes, within the expanded Community Redevelopment Area.

4. **Liability.** Nothing contained herein shall impose any liability upon Orange County for any acts of the City or any community redevelopment agency.

5. **Financing.**

a. The City or the CRA may issue revenue bonds pursuant to Section 163.385, Florida Statutes, provided that the City or the CRA first obtain 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 as expanded by this resolution, 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, 2027. Furthermore, this resolution shall be deemed repealed and of no further effect if the Board has not received and approved the Amendment to the Plan on or before October 1, 1996.

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, 1996, 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, Florida Statutes for the particular year:

- a. Thirty percent (30%) of the amount in excess of \$2,000,000.00 but less than or equal to \$3,000,000.00 plus
- b. Fifty percent (50%) of the amount in excess of \$3,000,000.00.

9. Tax Assessment Roll. 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), Florida Statutes, shall mean the 1995 final tax assessment roll as it relates to the Community Redevelopment Area, as expanded pursuant to this resolution.


ADOPTED this 25th day of April, 1995.

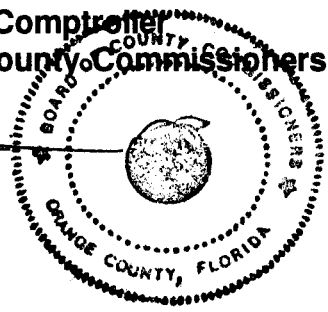
ORANGE COUNTY, FLORIDA

BY: 
Bob Freeman FOR County Chairman

DATE: APR 25 1995

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

BY 
Deputy Clerk



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EXHIBIT "A"

LEGAL DESCRIPTION FOR THE COMMUNITY REDEVELOPMENT AGENCY DECEMBER 23, 1994

A 173.57 acre tract of land in Winter Park, Florida. The tract is located in Sections 1 and 12, Township 22 South, Range 29 East, Orange County, Florida and described metes and bounds as follows.

Beginning at the southeast corner of Section 1 a point near the center line of Denning Drive, located and described in the plat of Lake Island Estates, Plat Book M, Page 95 of the official records of Orange County, Florida:

Thence; South 01 deg.-10'-36" East, 1,494.29 feet with the east line of Section 12, Township 22 South, Range 29 East to its point of intersection with the extended center line of an alley between Blocks A and B of the Fairbanks Park Subdivision as recorded in Plat Book D, Page 36 for an angle point in this description.

Thence; North 90 deg.-00'-00" West, 266.37 feet, 7 foot from and parallel to the south line of Block A to an angle point in the center line of said alley for an angle point in this description.

Thence; South 76 deg.-08'-13" West 62.82 feet, 7 foot from and parallel to the North line of Block B to an angle point in the center line of said alley for an angle point in this description.

Thence; South 89 deg.-00'-00" West, 333.29 feet, 7 foot from and parallel to the south line of Block A to a point in the east line of a 0.491 acre tract and the west line of the 50 foot Ward Avenue Right-of-Way for an angle point in this description.

Thence; South 00 deg.-43'-49" East, 141.15 feet with the west Right-of-Way line of Ward Avenue to the Northeasterly corner of Lot 12, Block A of the Oak Crest Subdivision as recorded in the official records in Plat Book L, Page 42 of Orange County, Florida for an angle point in this description.

Thence; South 90 deg-00'-00" West, 636.70 feet with the North line of Oak Crest Subdivision, Block A to the Northwest corner of Lot 1, Block A a point on the East Right-of-Way line of Orlando Avenue (US 17-92) for an angle point in this description.

Thence; North 01 deg.-01'-00" West, 59.22 feet with the East Right-of-Way line of Orlando Avenue (US 17-92) to its intersection with the extended South line of Lot 25 of the Beverly Park Subdivision as recorded in Plat Book K, Page 45 of the official records of Orange County, Florida for an angle point in this description.

Thence; North 90 deg.-00'-00" West, 565.69 feet with the South lines of Lots 25 through 16 to the Northeast corner for an angle point in this description.

Thence; North 00 deg.-00'-00" East, 150.00 feet, with the East line of Lot 15 to its northeast corner for an angle point in this description.

Thence; North 02 deg.-54'-29" East, 41.50 feet, crossing Fairbanks Avenue, to the Southwest corner of Lot 8, Block 3 of the Killarney Estates Subdivision as recorded in Plat Book L, Page 9 of the official records of Orange County, Florida for an angle point in this description.

Thence; North 00 deg.-00'-00" East, 250.00 feet with the East lines of Lots 7 and 15, Block 3 to the Northwest corner of Lot 16 and the South Right-of-Way line of Dallas Avenue for an angle point in this description.

Thence; North 21 deg.-07'-30" West, 53.60 feet crossing Dallas Avenue (50' Right-of-Way) to the Southwesterly corner of Lot 8, Block 4 of Killarney Estates, for an angle point in this description.

Thence; North 01 deg.-26'-17" East, 75.00 feet, with East line of Lot 7, Block 4, to the Southeast corner of Lot 10, Block 4, for an angle point of this description.

Thence; North 43 deg.-53'-59" East, 72.00 with the West line of Lot 8, Block 4 to the Northeast corner of lot 10, Block 4 for an angle point in this description on the West Right-of-Way line of Broadview Avenue.

Thence; North 43 deg.-41'-48" East, 50.00 feet, crossing Broadview to the Southwest corner of Lot 1, Block 5 of the Killarney Estates Subdivision for an angle point in this description.

Thence; North 43 deg.-46'-48" East, 77.76 feet, with the Southeast line of Lot 2, Block 5, Killarney Estates Subdivision of the Southwest corner of Lot 14, Block 5, and an angle point in this description.

Thence; South 88 deg.-36'-33" East, 71.58 feet, with the South line of Lot 14 to the Northeast corner of Lot 1, Block 5 a point on the West Right-of-Way line of Grove Avenue for an angle point in this description.

Thence; North 84 deg.-03'-52" East, 50.16 feet, crossing Grove Avenue to the Southwest corner of Lot 8, Block 6, Killarney Estates for an angle point in this description and a point on the East Right-of-Way line of Grover Avenue.

Thence; North 90 deg.-00'-00" East, 124.10 feet, with the North line of Lot 7, Block 6 to the Southeast corner of Lot 8, Block 6 for an angle point in this description.

Thence; North 01 deg.-27'-56" West, 842.17 feet with the West line of Lots 19 through 24, Block 6, Lots 10 through 13, Block 7 and Lots 4 and 5, Block 8 to the Northeast corner of Lot 3, Block 8 a point on the Block D of the L.A. Chase's Addition of Winter Park as recorded in Plat Book A, Page 73 of the official records of Orange County, Florida for an angle point in this description.

Thence; North 88 deg.-55'-23" West, 259.67 feet, with the common lines of Killarney Estates and L.A. Chase Addition to the edge of Lake Killarney for an angle point of this description.

Thence; Northwesterly with the meanders of edge of the lake approximately 1,100 feet (North 09 deg.-43'-06" West, 1,071.15) to a point on the South line of Lot 6, Block 6 being 55.32 feet west of its Southeast corner for an angle point in this description.

Thence; North 90 deg.-00'-00" East, 355.32 feet, with the North line of Lot 8, Block C to the Southwest corner of Lot 2, Block C of the L.A. Chase's Subdivision for an angle point in this description.

Thence; North 00 deg.-33'-00" West, 221.01 feet, with the West lines of Lots 1 and 2, Block C, to the Northeast corner of Lot 3, Block C and a point on the South line of the abandoned Canton Avenue Right-of-Way for an angle point in this description.

Thence; North 90 deg.-00'-00" East, 75.01 feet with the North line of Lot 2 and the South line of the abandoned Canton Right-of-Way to its intersection with the extended West line of Lot 3, Block D of the Killarney Shores Subdivision as recorded in Plat Book Q, Page 135 for an angle point in this description.

Thence; North 0 deg.-29'-13" West, 584.08 feet with the East line of Lot 1, Block D and the East line of Lots 1 and 16, Block B and the West lines of Blocks C and A to the North Right-of-Way line of Executive Drive (formerly Gay Road) for a point in the South line of the 1.3 acre tract and an angle point in this description.

Thence; South 90 deg.-00'-00" West, 252.24 feet, with the North line of Executive Drive to the West line of Marion Drive and its intersection with the Right-of-Way line for an angle point of this description.

Thence; North 0 deg.-00'-00" East, 299.86 feet with the West line of Marion Drive to an angle point of this description.

Thence; South 90 deg.-00'-00" East 364.72 feet with north line on a 0.661 acre tract to the West Right-of-Way line of Orlando Avenue (US 17-92) for an angle point in this description.

Thence; North 00 deg.-38'-52" West, 398.36 feet with the West Right-of-Way of Orlando Avenue (US 17-92) to its intersection with the South Right-of-Way line of Webster Avenue as described on Orange County Book 1881, Page 570 for an angle point in this description.

Thence; South 89 deg.-32'-19" West, 408.00 feet with the South Right-of-Way line of Webster Avenue to the Southwest corner of the road Right-of-Way described in Orange County Book 1881, Page 570 for an angle point in this description.

Thence; North 00 deg.-37'-41" West, 768.86 feet with the West line of Webster Avenue Right-of-Way to the South Right-of-Way line of Lee Road (SR 423) for an angle point in this description.

Thence; North 89 deg.-03'-19" East, 165.85 feet with the South Right-of-Way line of Lee Road (SR 423) to its intersection with the extended East Right-of-Way line of Benjamin Avenue as recorded in Plat Book M, Page 97 of the official records of Orange County, Florida for an angle point in this description.

Thence; North 00 deg.-56'-41" West 202.20 feet crossing Lee Road and to the Northwest corner of Lot 1, Block A of the Home Acres Subdivision as recorded in Plat Book M, Page 97 of the official records of Orange County, Florida for an angle point within description.

Thence; North 89 deg.-34'-39" East, 302.98 feet, with the North lines of Lots 1 through 9, Block A to a point in the East Right-of-Way line of Orlando Avenue (Us 17-92) and a point in the West lien of Block 1, of the Haulah Park Subdivision as recorded in Plat Book O, Page 144 of the official records of Orange County, Florida for an angle point in this description.

Thence; South 00 deg.-24'-15" East, 339.23 feet, along the East Right-of-Way of Orlando Avenue (US 17-92) to the Southwest corner of Lot 10, Block 1, at the North Right-of-Way line of Quacker Avenue for an angle point in this description.

Thence; North 88 deg.-47'-18" East, 637.76 feet, to an angle in Lot 7, 45 foot South of the North line and 138.16 feet West of its Northeast corner of said Lot 7 as recorded in Plat Book A, Page 61, Holden Brothers Addition to Winter Park in the official records of Orange County, Florida, for an angle point of this description.

Thence; South 00 deg.-33'-10" East, 588.46 feet, passing the South line of Lot 19, Block B at 510.46 feet, to the North Right-of-Way of Webster Avenue for an angle point in this description.

Thence; South 89 deg.-50'-31" East, 621.57 feet, with the North Right-of-Way line of Webster Avenue to its intersection with the East line of Section 1, Township 22 South, Range 29 South for an angle point in this description.

Thence; South 01 deg.-43'-18" East, 2,581.03 feet, with the Section line to the Point of Beginning and containing 173.57 acres of land.

Note: This description written from records on the City of Winter Park Engineering Division, Public Works Department of the City.