APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT ITS MEETING
APR 25 1995 CS/95

RESOLUTION NO. 95-M-25

APOPKA
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 Apopka, Florida (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 Apopka, 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 (1991), permits such delegation to be made subject to such conditions and limitations as Orange County may impose; and

WHEREAS, in June, 1993, 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 ("CRA") as part of the municipal public body or taxing authority, under Part III, Chapter 163, Florida Statutes (1991); and
WHEREAS, the Board of County Commissioners (the "Board") determined that it was interested in delegating community redevelopment powers to the City of Apopka because there are problems of blight within its designated district; and

WHEREAS, on June 22, 1993, the Board adopted Resolution No. 93-M-38 which delegated to the City the authority to create the Apopka Community Redevelopment Agency pursuant to the conditions set forth in said Resolution; and

WHEREAS, Section 8 of said Resolution provided that the City and Orange County must enter into an interlocal agreement by July 1, 1994, pertaining to rebate of certain community redevelopment trust funds or Resolution No. 93-M-38 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 Orange County and the City that all conditions set forth in Resolution No. 93-M-38 be reestablished and readopted by the County except that the July 1, 1994 expiration date contained in Paragraph 8 of said Resolution is changed to October 1, 1995; and

WHEREAS, the City created the Community Redevelopment Agency, the Community Redevelopment Advisory Board and prepared a Community Redevelopment Plan based on power delegated to the City by Resolution No. 93-M-38; and

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

WHEREAS, to the extent permitted by law, it is also the intent of Orange County and the City 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 tax assessment roll, used prior to the effective date of Resolution No. 93-M-38.

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 Orange County Resolution No. 93-M-38 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 Apopka 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. The boundaries of the Community Redevelopment Area may not be expanded 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 redelegated 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 Orange County Resolution No. 93-M-38, and Orange 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. 93-M-39, 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 any 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 City 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 January 1, 2024.

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, 1995, Orange
County, the City and the Community Redevelopment Agency have 233 not entered into an interlocal agreement under which the City and the Community Redevelopment Agency are obligated by contract to rebate back to Orange County each year, as consideration for its willingness to delegate the powers described herein, the following portion of the amount deposited by Orange County in the Community Redevelopment Trust Fund pursuant to Section 163.387, 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.

ADOPTED THIS 25th DAY OF April, 1995.

ORANGE COUNTY, FLORIDA

BY: County Chairman Bob Freeman

DATE: APR 25 1995

ATTEST: Martha O. Haynie, County Controller

As Clerk of the Board of County Commissioners

BY: Deputy Clerk