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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

55 WHEREAS, the Board of County Commissioners (the "Board")
determined that it was interested in delegating community
57 redevelopment powers to the City of Apopka because there are
problems of blight within its designated district; and

59

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

65 WHEREAS, Section 8 of said Resolution provided that the
City and Orange County must enter into an interlocal
67 agreement by July 1, 1994, pertaining to rebate of certain
community redevelopment trust funds or Resolution No. 93-M-38
69 would expire and be of no further effect; and

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

73

WHEREAS, it is the intent of both Orange County and the
75 City that all conditions set forth in Resolution No. 93-M-38
be reestablished and readopted by the County except that the
77 July 1, 1994 expiration date contained in Paragraph 8 of said
Resolution is changed to October 1, 1995; and

79

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

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

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WHEREAS, to the extent permitted by law, it is also the
93 intent of Orange County and the City that, for purposes of
determining the tax-increment revenues to be deposited into
95 the Community Redevelopment Trust Fund, the most recent
assessment roll used in connection with the taxation of the
97 property pursuant to Section 163.387(1)(b) shall mean the tax
assessment roll, used prior to the effective date of
99 Resolution No. 93-M-38.

101 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

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

a. It is hereby confirmed that the City had the
107 power to create or, in the alternative, declare itself to be
a community redevelopment agency pursuant to Orange County
109 Resolution No. 93-M-38 and that the City is hereby
redelegated the power to create, or in the alternative the
111 governing body of the City may declare itself to be, a
Community Redevelopment Agency relating only to that portion
113 of the City of Apopka described in the attached Exhibit "A",
and hereafter referred to as the "Community Redevelopment
115 Area." The membership of the Community Redevelopment Agency
may, at the sole discretion of the Board of County
117 Commissioners, include one person appointed by the Board. If
the City Council declares itself to be the Community
119 Redevelopment Agency, it shall add to the membership of the
agency the person appointed by the Board.

121 b. The boundaries of the Community Redevelopment
Area may not be expanded without the further express consent
123 of the Board evidenced by an additional delegating
resolution. However, the Community Redevelopment Agency may
125 contract the boundaries of the Community Redevelopment Area,
removing up to, but not exceeding ten (10%) percent of the
127 area as described in Exhibit "A", without the Board's consent.

2. Community Redevelopment Plan.

129 a. The City is hereby redelegated the power to
adopt a resolution in accordance with Section 163.355,

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

139 b. The Plan shall set forth with specificity the
information required or implied by Sections 163.360, 163.362,
141 and other pertinent sections of Florida Statutes, including,
but not limited to, the following:

143 (1) the capital projects to be funded in whole
or in part with tax increment revenues;

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

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

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

151 c. It is hereby confirmed that the City and the
Community Redevelopment Agency had the power to create a
153 Community Redevelopment Advisory Board pursuant to Orange
County Resolution No. 93-M-38, and Orange County hereby
155 redelegates to the City and the Community Redevelopment
Agency the power to recreate and reapprove, to the extent

157 necessary or appropriate, an advisory board to the Community
Redevelopment Agency to provide input throughout the
159 development and implementation of the Plan. The advisory
board shall be composed of members representative of the
161 City's population. Prior to submitting the Plan to the board
for review, the City shall submit the Plan to the advisory
163 board, and the advisory board shall vote to approve the Plan
in its entirety, to approve only specified parts of the Plan,
165 or to disapprove the Plan in its entirety. The results of
the advisory board's deliberations shall be transmitted to
167 the Board at the time the Plan is presented for the Board's
review and approval. The Advisory Board's decision is not
169 binding on either the Community Redevelopment Agency or the
Board.

171 d. The City may not expend any tax increment
revenues deposited by the County in the Community
173 Redevelopment Trust Fund until the Plan has been approved by
the Board and adopted by the Community Redevelopment Agency
175 in accordance with Section 163.360, Florida Statutes, and for
that purpose such tax increment revenues shall be separately
177 accounted for from other revenues or deposits. However,
notwithstanding the foregoing, the City may expend increment
179 revenues necessary for the development of the Plan.

 e. The City had previously prepared a Community
181 Redevelopment Plan which was approved by the Board pursuant

to Resolution No. 93-M-39, and thereafter approved by the
183 City. The Board hereby reapproves the Plan, a copy of which
is attached hereto as Exhibit "B" and incorporated herein by
185 reference.

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

3. Delegation of Powers. Upon the adoption of this
193 Resolution by the Board, the City is deemed to have been
redelegated all other powers necessary or convenient to carry
195 out and effectuate the purposes and provisions of Part III of
Chapter 163 of Florida Statutes, including the powers set
197 forth in Section 163.370 of Florida Statutes.

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

201 5. Financing.

a. The Community Redevelopment Agency may issue
203 revenue bonds pursuant to Section 163.385, Florida Statutes,
provided that the Community Redevelopment Agency City first
205 obtains Board approval by way of a majority vote of the Board
regarding (i) the projects to be funded by the bonds, (ii)

207 the principal amount of the bonds to be issued, and (iii) the
maturity schedule and interest rates for the bonds to be
209 issued.

b. The issuance of revenue bonds shall not create
211 a pledge of the faith and credit of Orange County, but shall
be payable solely from the tax increment revenues generated
213 from the Community Redevelopment Area plus any other non-ad
valorem revenues expressly approved by majority vote of the
215 Board.

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

6. Sunset Provision. Unless the Board expressly
221 approves otherwise, this resolution and any amendments or
supplements hereto, as well as the Plan and the existence of
223 a separate Community Redevelopment Agency, if any, shall
expire and terminate on January 1, 2024.

225 7. Severability. The provisions of this resolution are
not severable. If any part of this instrument is held
227 invalid by a court of law or is superseded by any existing or
future statute, this resolution shall be deemed void and of
229 no further effect.

8. Interlocal Agreement. This resolution shall expire
231 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
235 contract to rebate back to Orange County each year, as
consideration for its willingness to delegate the powers
237 described herein, the following portion of the amount
deposited by Orange County in the Community Redevelopment
239 Trust Fund pursuant to Section 163.387, Florida Statutes for
the particular year:

241 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

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

245 ADOPTED THIS 25th DAY OF April, 1995.

247

ORANGE COUNTY, FLORIDA

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BY: Bob Freeman

FOR County Chairman Bob Freeman

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DATE: APR 25 1995

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

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261 BY: Martha O. Haynie
Deputy Clerk

