RESOLUTION NO. 97-M-47

COMMUNITY REDEVELOPMENT RESOLUTION FOR THE TOWN OF EATONVILLE

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 Town of Eatonville, Florida (the “Town”) has determined that the entire Town 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 the Town; and

WHEREAS, the Town has determined that there is a need for community redevelopment agency to function within the Town 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 Town Council of the Town of Eatonville, Florida, to obtain a delegation of the powers conferred upon Orange County by the Community Redevelopment Act of 1969 so that the Town may exercise the authority and privileges conferred by such act within the community redevelopment area boundaries of the Town; 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 October, 1995, the Town requested that Orange County delegate to the Town 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 (1995); and

WHEREAS, the Board of County Commissioners (the “Board”) determined that it was interested in delegating community redevelopment powers to the Town of Eatonville because there are problems of blight within its designated district; and
WHEREAS, on March 19, 1996, the Board adopted Resolution No. 96-M-17 which delegated to the Town the authority to create the Eatonville Community Redevelopment Agency pursuant to the conditions set forth in said Resolution; and

WHEREAS, Section 8 of said Resolution, as amended by Resolution No. 97-M-14, provided that Orange County and the Town must enter into an interlocal agreement by June 1, 1997, pertaining to rebate of certain community redevelopment trust funds or Resolution No. 96-M-17 would expire and be of no further effect; and

WHEREAS, the interlocal agreement was approved by the Board on May 20, 1997, but not approved and executed by the Town by June 1, 1997; and

WHEREAS, Resolution No. 96-M-17, as amended by Resolution No. 97-M-14, also provided that Resolution No. 96-M-17 would be deemed repealed and of no further effect if the Board had not received and approved the Redevelopment Plan (the “Plan”) on or before September 1, 1997; and

WHEREAS, it is the intent of both Orange County and the Town that all conditions set forth in Resolution No. 96-M-17, be reestablished and readopted by the County except that the September 1, 1997 expiration date contained in amended Paragraph 6 of Resolution No. 96-M-17, is changed to January 30, 1998, and the June 1, 1997 expiration date contained in amended Paragraph 8 of Resolution No. 96-M-17 is changed to January 30, 1998; and

WHEREAS, it is the intent of Orange County and the Town that all previous powers granted to the Town be regranted to the Town by Orange County; and

WHEREAS, to the extent permitted by law, it is also the intent of Orange County and the Town 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. 96-M-17.

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

1. Redelegation of Power to Town to Create a Community Redevelopment Agency;

   Boundaries of Community Redevelopment Area.

   a. It is hereby confirmed that the Town has the power to create or, in the alternative, declare itself to be a community redevelopment agency pursuant to Orange County
Resolution No. 96-M-17 and that the Town is hereby redelegated the power to create, or in the alternative the governing body of the Town may declare itself to be, a Community Redevelopment Agency relating only to that portion of the Town of Eatonville 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 Town Council declares itself to be the Community Redevelopment Agency, it shall add to the membership of the agency that 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 Town 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 Town 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 by the Town 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 Town and the Community Redevelopment Agency have the power to create a Community Redevelopment Advisory Board pursuant to Orange County Resolution No. 96-M-17, and Orange County hereby redelegates to the Town 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 Town’s population. Prior to submitting the Plan to the Board for review, the Town 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 Town 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 Town may expend increment revenues necessary for the development of the Plan.

e. 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 Town 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 Town 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 Town 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 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, 2027.
Furthermore, this resolution shall be deemed repealed and of no further effect if the Board has not
received and approved the Plan on or before January 30, 1998.

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 January 30, 1998, Orange County, the Town and the Community Redevelopment Agency have
not entered into an interlocal agreement under which the Town 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.


ORANGE COUNTY, FLORIDA

BY: Jon Staley
for the County Chairman

DATE: October 31, 1997

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

BY: Deputy Clerk
Beginning nine hundred and ninety-one and eleven hundredths (991.11) feet north of the southwest corner of the northwest quarter of Section Thirty-five (35), Township Twenty-one (21) south of Range Twenty-nine (29) East; run thence south a distance of 1,924.51 feet, thence run west a distance of 466.70 feet, thence run north a distance of 20.00 feet; thence run west a distance of 421.48 feet; thence run North 2° 15' 40" west, a distance of 438.23 feet to the SE corner of the Ben Hill Property; thence run west a distance of 320.77 feet to the west line of the NE¼ of the SE¼ of Section 34, Township 21 South, Range 29 East; thence run South 2° 14' 40" east a distance of 438.41 feet to the NW corner of Catalina Park Subdivision; thence run South 1° 48' 14" east a distance of 373.60 feet; thence run South 89° 39' 16" East a distance of 1,196.78 feet to the southeast corner of the NE ¼ of the SE ¼ of said Section 34, thence run South 0° 01' 57" east a distance of 1,289.6 feet to the southeast corner of said Section 34, Township 21 South, Range 29 East, thence run east along the south line of Section 35, thence east 3 distance of 660 feet along the south line of Section 35, Township 21 South, Range 29 East, thence run north a distance of 3,631.11 feet to a point 662 feet east of the east line of said Section 35, thence run west to the point of beginning.