

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

47 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

49
51 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,
53 pertaining to rebate of certain community redevelopment trust funds or Resolution No. 96-M-17
would expire and be of no further effect; and

55 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.

57
59 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
61 1, 1997; and

63 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
65 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
67 Resolution No. 96-M-17 is changed to January 30, 1998; and

69 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

71
73 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
75 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.

77
79 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

81 1. *Redelegation of Power to Town to Create a Community Redevelopment Agency;*
Boundaries of Community Redevelopment Area.

83 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
85 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"
87 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
89 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
91 appointed by the Board.

b. The boundaries of the Community Redevelopment Area may not be expanded
93 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
95 Redevelopment Area, removing up to, but not exceeding ten (10%) percent of the area as described
in Exhibit "A," without the Board's consent.

97 2. *Community Redevelopment Plan.*

a. The Town is hereby redelegated the power to adopt a resolution in accordance
99 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
101 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
103 effect until such time as the Board has approved it, as evidenced by an approving resolution of the
Board.

105 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
107 limited to, the following:

(1) the capital projects to be funded by the Town in whole or in part with
109 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
111 project; and

(4) the schedule or estimated timing of each project.
113

c. It is hereby confirmed that the Town and the Community Redevelopment
115 Agency have the power to create a Community Redevelopment Advisory Board pursuant to Orange
County Resolution No. 96-M-17, and Orange County hereby relegates to the Town and the
117 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
119 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
121 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
123 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
125 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
127 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
129 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
131 increment revenues necessary for the development of the Plan.

e. After its approval by the Board, the Plan shall not be amended without the
133 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,
135 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
137 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
139 powers set forth in Section 163.370 of Florida Statutes.

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

5. *Financing.*

a. The Community Redevelopment Agency may issue revenue bonds pursuant
143 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
145 funded by the bonds, (ii) the principal amount of the bonds to be issued, and (iii) the maturity
147 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
149 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
151 majority vote of the Board.

c. Any extension of the maturity of the bonds and any increase in the interest
153 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
155 any amendments or supplements hereto, as well as the Plan and the existence of a separate
157 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
159 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
161 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
163 of January 30, 1998, Orange County, the Town and the Community Redevelopment Agency have
165 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
167 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
169 163.387, Florida Statutes, for the particular year:

a. Thirty (30%) percent of the amount in excess of \$1,000,000.00 but less than
171 or equal to \$2,000,000.00 plus

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

ADOPTED THIS 28th DAY OF October, 1997.

ORANGE COUNTY, FLORIDA

BY: Tom Staley
for the County Chairman

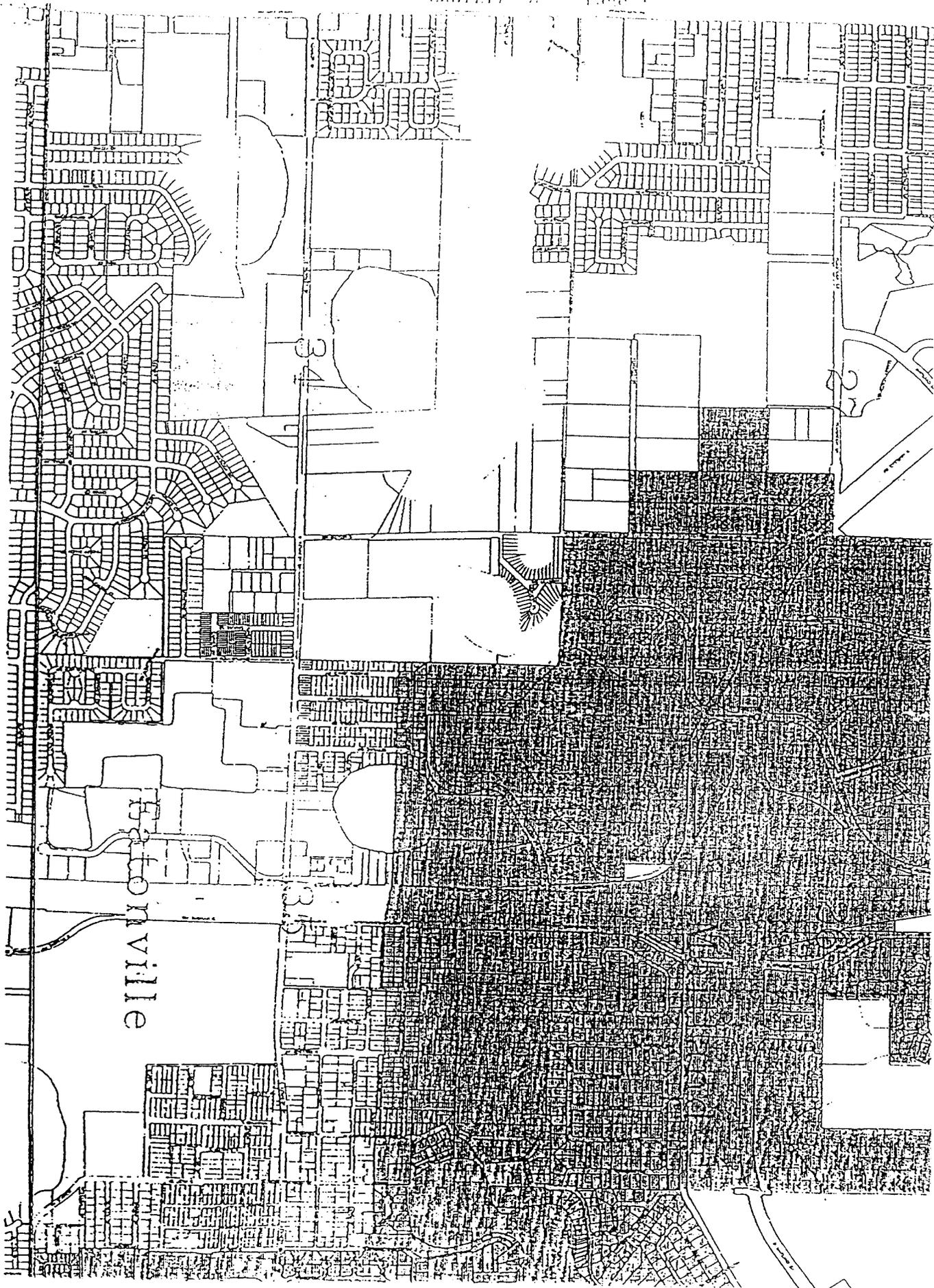
DATE: October 31, 1997

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

BY: [Signature]
Deputy Clerk



jjn\ordres\etnville.wpd
(10/13/97)



PROPOSED EATONVILLE COMMUNITY REDEVELOPMENT AREA (CRA)

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 $2^{\circ} 15' 40''$ 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 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 21 South, Range 29 East; thence run South $2^{\circ} 14' 40''$ east a distance of 438.41 feet to the NW corner of Catalina Park Subdivision; thence run South $1^{\circ} 48' 14''$ east a distance of 373.60 feet, thence run South $89^{\circ} 39' 16''$ East a distance of 1,196.78 feet to the southeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34, thence run South $0^{\circ} 01' 57''$ 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 a distance of 660 feet along the south line of Section 36, 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.