

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

**APPROVAL OF MODIFICATION TO THE CITY OF APOPKA'S
COMMUNITY REDEVELOPMENT PLAN; INCORPORATING
RECITALS; FINDING THAT THE AMENDED PLAN IS
CONSISTENT WITH THE COUNTY'S COMPREHENSIVE
PLAN; CLARIFYING THAT APPROVAL OF THE MODIFIED
PLAN DOES NOT APPROVE OR ENDORSE ANY EXTENSION
OF THE ORIGINAL SUNSET PROVISION DATE; AND
PROVIDING AN EFFECTIVE DATE.**

Resolution No. 2017-M-29

WHEREAS, the Community Redevelopment Act of 1969 (the "Community Redevelopment Act"), 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 slum and blighted areas and to provide affordable housing; and

WHEREAS, in 1993, the City of Apopka (the "City") determined that there was 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 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 was necessary for the City to obtain a delegation of the powers conferred upon the county by the Community Redevelopment Act so that the City could exercise the authority and privileges conferred by such act within the boundaries of the City; and

WHEREAS, on June 22, 1993, pursuant to the Community Redevelopment Act, the Board of County Commissioners of Orange County, Florida (the "Board") passed Resolution No. 93-M-38 (the "Delegation Resolution") delegating its authority to the City

so that the City could establish the Apopka Community Redevelopment Area and Apopka Community Redevelopment Agency; and

WHEREAS, the Delegation Resolution contains a sunset provision stating that the resolution and any amendments or supplements thereto, as well as the Community Redevelopment Plan and the existence of the Community Redevelopment Agency shall expire and terminate on January 1, 2024; and

WHEREAS, on June 22, 1993, the Board also passed Resolution No. 93-M-39 (the "Original Approval Resolution") in which the Board approved the Apopka Redevelopment Plan (the "Plan") that was drafted pursuant to the Community Redevelopment Act; and

WHEREAS, the Delegation Resolution provides that the Plan shall not be modified without the express consent of the Board, as evidenced by an approving resolution, and that the City shall not deviate substantially from the projects set forth in the plan without modifying the Plan; and

WHEREAS, in a letter dated April 21, 2017, the City notified the Board of its desire to modify the Plan pursuant to Section 163.361, Florida Statutes, and in that letter stated that it had sent the mandated "Notice to Taxing Authorities" to the appropriate authorities and published the notice of the proposed modification as required by the Community Redevelopment Act; and

WHEREAS, on June 21, 2017, the City council passed Resolution 2017-10 approving its desired modifications to the Plan and now requires approval by the Board; and

WHEREAS, after due consideration of public hearings as required by law, the Board deems it appropriate to approve the modifications to the Plan without considering, agreeing to, or in any way endorsing, any extension of the Delegation Resolution's original January 1, 2024 sunset provision.

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

Section 1. The above recitals are hereby incorporated and are to be considered binding.

Section 2. It is hereby found and determined that the City's proposed modifications to the Plan, as shown in Exhibit "A" of this Resolution, are consistent with Orange County's comprehensive plan.

Section 3. It is hereby found that the Plan, as modified in Exhibit "A", meets the requirements of the Community Redevelopment Act.

Section 4. The modifications to the Plan shown in Exhibit "A" are hereby approved to be adopted and incorporated into the Plan by the City.

Section 5. The Board's approval of the modifications to the Plan shall not be construed as an approval or endorsement of any extension of the Delegation Resolution's original January 1, 2024 sunset provision date.

Section 6. Upon adoption of this Resolution by the Board, the Plan, as modified, shall be deemed to be in full force and effect.

ADOPTED this ___ day of AUG 29 2017, 2017.



ORANGE COUNTY, FLORIDA

By: Orange County Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: *Katie Smith*

Deputy Clerk