

APPROVED BY THE CITY COMMISSIONERS AT THEIR MEETING

JUN 25 1991

RESOLUTION NO. 91-M-32

WINTER PARK COMMUNITY REDEVELOPMENT RESOLUTION

A RESOLUTION PERTAINING TO REDEVELOPMENT OF A SPECIFIED PART OF ORANGE COUNTY, FLORIDA; DELEGATING CERTAIN COMMUNITY REDEVELOPMENT POWERS FROM THE BOARD OF COUNTY COMMISSIONERS TO THE CITY OF WINTER PARK AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

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 Winter Park (the "City") has determined that a portion of the municipality comprising its "westside" area and its "downtown" area 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 Winter Park, 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 (1989), permits such a delegation to be made subject to such conditions and limitations as Orange County may impose; and

WHEREAS, the City has 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 as part of the municipal public body or taxing authority, under part III, chapter 163, Florida Statutes (1989); and

WHEREAS, the Board of County Commissioners (the "Board") is interested in delegating community redevelopment powers to the City of Winter Park not because there are problems of blight in its "downtown" area, but primarily because there are substantial social and economic problems in the "westside" area that can and should be addressed. NOW THEREFORE,

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

1. Creation of Community Redevelopment Agency;
Boundaries of Community Redevelopment Area.

a. The City is hereby delegated 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 Winter Park described in the attached Exhibit "A", and hereafter referred to as the "community redevelopment area". The membership of the Community Redevelopment Agency shall 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 City may contract the boundaries of the community redevelopment area, removing up to but not exceeding ten (10%) percent of the area, without the Board's consent.

2. Community Redevelopment Plan.

a. The City is hereby delegated 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 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. As contemplated or implied by Sections 163.360, 163.362, and other pertinent sections of Florida Statutes, the Plan shall set forth with specificity

(1) the capital projects to be funded by the City 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. The City and the Community Redevelopment Agency shall create an advisory board to the Community Redevelopment Agency to provide input throughout the development of the Plan. The advisory board shall be composed of members at least fifty (50%) percent of whom shall be residents and business owners of the "westside" area. 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.

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 the fund shall contain separate accounts segregating County deposits from all other deposits. However, notwithstanding the foregoing, the City 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 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 approval of the Plan by the Board, the City shall be deemed to have been delegated 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 City may issue revenue bonds pursuant to Section 163.385, Florida Statutes, provided that the City first obtains Board approval of (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 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, 2022. 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 October 1, 1992.

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 March 31, 1992, the City and Orange County have not entered into an interlocal agreement under which the City is obligated by contract to rebate back to the County each year, as consideration for its willingness to delegate the powers described herein, the following portion of the amount deposited by the County in the Community Redevelopment Trust Fund pursuant to Section 163.387 of Florida Statutes for the particular year:

a. 30% of the amount in excess of \$2,000,000.00
but less than or equal to \$3,000,000.00, plus

b. 50% of the amount in excess of \$3,000,000.00.

ADOPTED THIS 25th DAY OF JUNE, 1991.

ORANGE COUNTY, FLORIDA

BY: Bill Dwyer
For County Chairman

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

BY: Maury Garrison
Deputy Clerk

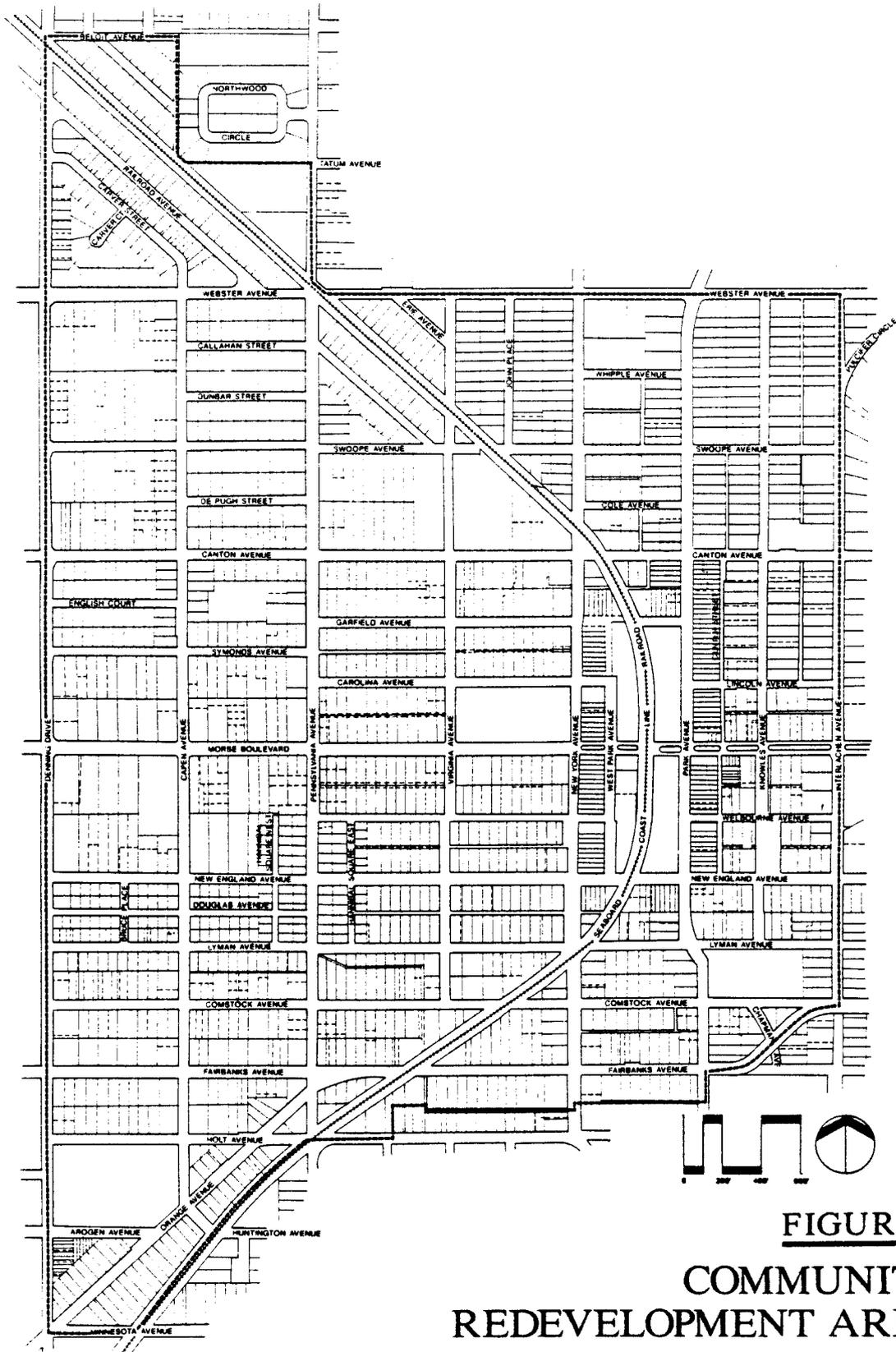


FIGURE 1
COMMUNITY
REDEVELOPMENT AREA

COMMUNITY REDEVELOPMENT STUDY
CITY OF WINTER PARK

HANSON • TAYLOR
PLANNING • DESIGN • PROJECT MANAGEMENT • REAL ESTATE CONSULTING
 REAL ESTATE RESEARCH CONSULTANTS, INC.
 TRANSPORTATION CONSULTING GROUP, INC.