

**ORDINANCE NO. 2564**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE BY REVISING CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR A NEW REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS:** Pursuant to Part III, Chapter 163, Florida Statutes, Community Redevelopment Act of 1969, the City of Fort Myers has previously created the Community Redevelopment Agency to undertake redevelopment within the corporate limits of the City pursuant to the Redevelopment Act; and

**WHEREAS:** Based on evidence presented to the City Council at public meeting and incorporated into the records of Council meetings, the area in the City of Fort Myers more fully described below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

**WHEREAS:** The redevelopment of the aforesaid area is necessary in the interest of the public health, safety and welfare of the residents of the City of Fort Myers and in the interest of implementing the intent of the Florida Legislature as expressed in the Act by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth, and providing economic development.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:**

**SECTION 1.** Chapter 2, Article VI, Subsection 2-53(c) of the Code of Ordinances of the City is hereby amended by deleting the term "three" from the introductory paragraph describing the number of areas.

**SECTION 2.** Chapter 2, Article VI, Section 2-53 of the Code of Ordinances of the City is hereby amended by creating a new subsection 2-53(c)(4) as hereinafter set out:

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(4) Area 4

The following described area is located in Sections 13 and 24, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida, being more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 4, of Robert Jeffcott's Addition, a subdivision recorded in Plat Book 3, Page 87 of the Public Records of Lee County, Florida, said corner being the Point of Intersection of the west right-of-way line of Fowler Street (50 foot right-of-way) and the south right-of-way line of Market Street (50 foot right-of-way); thence westerly along said south right-of-way line of Market Street for a distance of 693.6 feet, more or less, to the west right-of-way line of Central Avenue (50 foot right-of-way); thence northerly along said west right-of-way line for a distance of 160 feet, more or less, to the northeast corner of Lot 1, Block 8, of Stadlers Central Heights, a subdivision recorded in Plat Book 4, Page 64, of the Public Records of Lee County, Florida, also being a point on the south right-of-way line of Victoria Avenue (50 foot right-of-way); thence westerly along said right-of-way line of said Victoria Avenue for a distance of 2,858 feet, more or less, to the northeast corner of Block F of Altamont Park, a subdivision recorded in Plat Book 5, Page 12, of the Public Records of Lee County, Florida, being a point on the west right-of-way line of Forest Street and the northerly prolongation thereof; thence southerly along said line for a distance of 891.6 feet, more or less, to the southeast corner of said Block F of Altamont Park; thence continuing southerly along the prolongation of said line for a distance of 50 feet, more or less, to the northeast corner of Block E of Altamont Park; thence continuing southerly along the east line of said Block E of Altamont Park for a distance of 321 feet, more or less, to the southeast corner of said Block E of Altamont Park; thence continuing southerly along the prolongation of said east line of said Block E for a distance of 65 feet, more or less, to the south right-of-way line of Edison Avenue; thence easterly along said right-of-way line for a distance of 368 feet, more or less, to the prolongation of the westerly right-of-way line of Cleveland Avenue; thence southerly along said right-of-way line for a distance of 225 feet, more or less, to the westerly prolongation of the north line of the South Half (S 1/2) of Lot 17, Block C, being the prolongation of the south line of the property owned by the Coca-Cola Company of Fort Myers, Florida, being Lots 9 thru 16 and the North Half (N 1/2) of Lot 17, and the North Half (N 1/2) of Lot 8, Block C and Lots 13

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thru 16 and the North Half (N 1/2) Lot 17, Block B of Phillips 4th Division, a subdivision recorded in Plat Book 4, Page 41, of the Public Records of Lee County, Florida; thence easterly along said prolonged line and along the south line of said property owned by the Coca-Cola Company of Fort Myers for a distance of 555 feet, more or less, to the west line of the lands described in Official Record Book 1263, Page 379, being the west line of Lot 8, Block B of said Phillips 4th Division; thence southerly along said line for a distance of 50 feet, more or less, to the southwest corner of the lands described in Official Records Book 1263, Page 379, of said Public Records; thence easterly along the south line of said property described in said Official Records Book 1263, Page 379, for a distance of 142 feet, more or less, to the southeast corner of said land described in said Official Records Book 1263, Page 379 being a point on the west right-of-way line of Grand Avenue (60 foot right-of-way); thence southerly along said right-of-way line for a distance of 50 feet, more or less, to the westerly prolongation of the south right-of-way line of Willard Street (50 foot right-of-way); thence easterly along the westerly prolongation of the south right-of-way line of Willard Street (50 foot right-of-way) and along said south right-of-way line of said Willard Street for a distance of 3,380 feet, more or less, to the east right-of-way line of Fowler Street (50 foot right-of-way); thence northerly along said right-of-way line for a distance of 1,117 feet, more or less, to the northeast corner of Lot 1, Block 4, as recorded in Robert Jeffcotts Addition, a subdivision recorded in Plat Book 3, Page 87 of the Public Records of Lee County, Florida, and being a point on the south right-of-way line of the aforementioned Market Street (50 foot right-of-way) and the Point of Beginning.

**SECTION 3.** Chapter 2, Article VI, of the Code of Ordinances is hereby amended by creating Section 2-55.5, Redevelopment Trust Funds for Area 4, as hereinafter set out:

Section 2-55.5 Redevelopment Trust Fund for Area 4.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 4, also known as Central Fort Myers, which fund is hereinafter referred to as the Central Fort Myers Trust Fund. The Director of Finance of the City is hereby appointed and designated to administer the Central Fort Myers Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Central Fort Myers Trust

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Fund in accordance with applicable laws, ordinances, resolutions and directives of the Agency. The monies allocated to and deposited into the Central Fort Myers Trust Fund are hereby appropriated to and may only be used by the Agency to pay the costs of and to finance the undertakings of the Agency to carry out redevelopment within Area 4.

(b) There shall be annually paid into the Central Fort Myers Trust Fund, an amount not less than that increment in the income, proceeds, revenues and funds derived from or held in connection with its undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- (1) The amount of ad valorem taxes levied each year on taxable real property contained within the geographic boundaries of Area 4; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year upon the total of the assessed value of the taxable real property in Area 4 as shown upon the most recent interim assessment roll of taxable real property in Area 4, which was prepared by the Property Appraiser of Lee County, Florida, and was approved by the Department of Revenue pursuant to Section 193.1142, Florida Statutes, prior to August 6, 1990.

(c) The Agency shall annually receive and deposit into the Central Fort Myers Trust Fund an amount from each taxing authority equal to the increment as calculated in accordance with Section 163.387(1), Florida Statutes, and this article. For the purposes of this article "taxing authority" shall have the same meaning as that in Section 163.340(2), Florida Statutes.

(d) Payment of the increment shall be made no later than January 1st of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Central Fort Myers Trust Fund shall commence as of August 6, 1990 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 4, if any, and any interest thereon incurred by the Agency have been paid.

(e) The Funding of the Central Fort Myers Trust Fund shall continue for the duration

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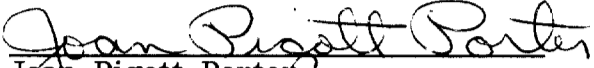
of the Central Fort Myers Area Study, the  
community redevelopment plan for Area 4.

**SECTION 4.** Severability. Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**SECTION 5.** This ordinance shall become effective immediately upon adoption.

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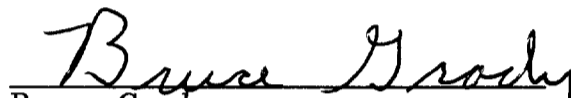
PASSED IN PUBLIC SESSION of the City Council of the City  
of Fort Myers, Florida, this 4th day of September, A.D., 1990.

  
Joan Pigott Porter

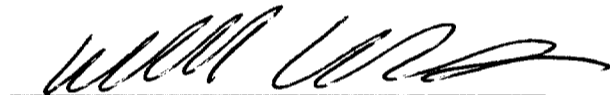
Veronica S. Shoemaker

  
Ann M. Knight

  
Richard G. Bashaw

  
Bruce Grady  
Council Members

APPROVED this 4th day of September, A.D., 1990 at  
7:03 o'clock p.m.

  
Wilbur C. Smith, III, Mayor

FILED in the Office of the City Clerk this 4th day of  
September, 1990.

  
Marie Adams, City Clerk