

**ORDINANCE NO. 2580**

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, Section 2-53 of the Code of Ordinances of the City is hereby amended by creating a new subsection 2-53(c)(5) as hereinafter set out:

The following described area is found lying in Section 29, Township 44, Range 25, Lee County, Florida, being more particularly described as follows:

Beginning at the northwest corner of Lot 3, Block 4 of South Side Gardens, a subdivision recorded in Plat Book, Page 18 of the Public Records of Lee County, Florida; thence southerly 3600 feet to the North Colonial Waterway drainage

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easement as recorded by the City of Fort Myers, Lee County, Florida, Official Record 1886, Page 0536, where it abuts the southwest edge of Lot 7, Block 8 of South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida; thence easterly continuing 4640 feet along said North Colonial Waterway Easement, additionally recorded in City of Fort Myers, Lee County, Florida, Official Record 1763, Page 4426, and Official Record 1886, Page 0538, to the east right-of-way line of Pear Street, recorded in the Homewood Subdivision, Plat Book 7, Page 52 of the Public Records of Lee County, Florida; thence northerly along said east right-of-way of Pear Street for a distance of 3600 feet, where the west right-of-way line abuts the northeast corner of Lot 3, Block 11 of the South Side Gardens Subdivision, recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida; thence westerly 4640 feet to the point of origin, the northwest corner of Lot 3, Block 4 South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida.

The above area includes the following: Lots 3, 6, and 7 of Block 4; Lots 2, 3, 6, and 7 of Blocks 5 and 8; Lots 3, 4, 5, 6, 7, and 8 of Blocks 3, 11 and 12; Blocks 6, 13, 14, 15, 16, and 17 inclusive of the South Side Gardens, a subdivision recorded in Plat Book 3, Page 18 of the Public Records of Lee County, Florida. It also includes Blocks 1 through 25 inclusive of Homewood, according to the Plat thereof as recorded in Plat Book 7, Page 52 of the Public Records of Lee County, Florida. The total acreage of the above area is 384 acres.

**SECTION 2.** Chapter 2, Article VI, of the Code of Ordinances is hereby amended by creating Section 2-55.2, Redevelopment Trust Funds for Area 5, as hereinafter set out:

Section 2-55.2 Redevelopment Trust Fund for Area 5.

(a) There is hereby established in accordance with the provision of Section 163.387, Florida Statutes, a redevelopment trust fund for Area 5, also known as Westwood, which fund is hereinafter referred to as the Westwood Trust Fund. The Director of Finance of the City is hereby appointed and designated to administer the Westwood Trust Fund on behalf of the Agency and is authorized and directed to maintain and administer the Westwood Trust Fund in accordance with applicable laws, ordinances, resolutions and

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directives of the Agency. The monies allocated to and deposited into the Westwood 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 5.

(b) There shall be annually paid into the Westwood 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 5; 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 5 as shown upon the most recent interim assessment roll of taxable real property in Area 5, 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.

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(c) The Agency shall annually receive and deposit into the Westwood 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 Westwood Trust Fund shall commence as of August 6, 1990 and shall continue until all loans, advances and indebtedness pertaining to Redevelopment in Area 5, if any, and any interest thereon incurred by the Agency have been paid.

(e) The Funding of the Westwood Trust Fund shall continue for the duration of the Westwood Community Redevelopment Plan, the community redevelopment plan for Area 5.

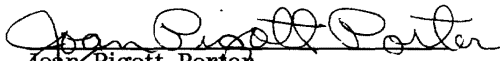
**SECTION 3. Severability**

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 4.** This ordinance shall become effective immediately upon adoption.

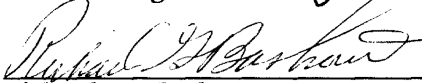
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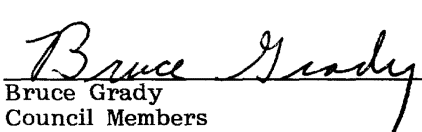
**PASSED IN PUBLIC SESSION** of the City Council of the City of  
Fort Myers, Florida, this 5th day of November, A.D., 1990

  
Joan Pigott Porter

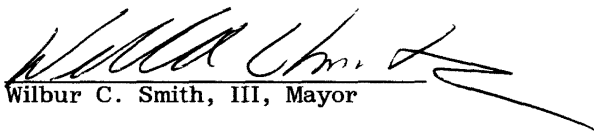
  
Veronica S. Shoemaker

  
Ann M. Knight

  
Richard G. Bashaw

  
Bruce Grady  
Council Members

**APPROVED** this 5th day of November, A.D., 1990 at  
8:50 o'clock p.m.

  
Wilbur C. Smith, III, Mayor

**FILED** in the Office of the City Clerk this 5th day of  
November, 1990

  
Marie Adams, City Clerk