

**ORDINANCE NO. 2843**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE VI, COMMUNITY REDEVELOPMENT BY ADDING A NEW SECTION 2-222(c)(7) ESTABLISHING THE CLEVELAND AVENUE REDEVELOPMENT SUB-AREA 2 AND BY ADDING A NEW SECTION 2-229 ESTABLISHING A REDEVELOPMENT TRUST FUND; 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:** A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and

**WHEREAS:** The community redevelopment plan conforms to the general plan of the City as a whole; and

**WHEREAS:** The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

**WHEREAS:** The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of

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the City as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; 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.

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

**SECTION 1.** The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-222(c)(7) Cleveland Avenue Redevelopment Sub-Area 2 is hereby created to read as follows:

(7) Cleveland Avenue Redevelopment Sub-Area 2:

The following described area is found lying in Lots 1-6 And Lot 16 of Block D, Coronado, Plat Book 6, Page 75. Lots 10-18 of Block A, Lot 19 and part of Lot 20 of Block A (O.R. 1761, Page 3212) Re-Subdivision of Block C and part of Block D of Coronado, Plat Book 9, Page 3, Public Records of Lee County, Florida; together with: Block E, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block H, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2798, Page 2781, and Lots 1-6 of Block J, Coronado, Plat Book 6, Page 75, Public Records of Lee County, Florida; together with: Block 1 and 4, Palmetto Park, Plat Book 3, Page 23, Public Records of Lee County, Florida; together with: Blocks A, B, C, and D, Windsor Park, Plat Book 6, Page 18, Public Records of Lee County, Florida; together with: Block 1, South Gardens, Plat Book 4, Page 50, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 21-25 of Block 1, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-8, East 30 Feet of Lot 9, East 33 Feet of Lots 21, and Lots 22-35, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 3, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Lots 1-9 and Lots 22-25 of Block 4, Grove City Park, Plat Book 5, Page 4, Public Records of Lee County, Florida; together with: Block 33, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 34, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 35, Palmlee

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Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: Block 51, Palmlee Park, Plat Book 6, Page 1, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2579, Page 1012, O.R. 1364, Page 242, O.R. 1912, Page 3072, O.R. 851, Page 295, and O.R. 1669, Page 519, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2422, Page 1962, O.R. 2800, Page 3089, O.R. 2568, Page 2105, O.R. 1836, Page 2823, O.R. 2258, Page 930, O.R. 2783, Page 1252, O.R. 1853, Page 249, O.R. 1609, Page 427, and O.R. 2481, Page 2114, Public Records of Lee County, Florida; together with: The Northerly 120 Feet of the Westerly 143 Feet of Lot 7, James Holmes Subdivision, Plat Book 5, Page 11, as described in O.R. 2383, Page 0171, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2517, Page 1345, O.R. 1696, Page 4049, O.R. 2471, Page 756, O.R. 2136, Page 3169, and Lot 19 and 20, Maravilla Circle 1st Addition, Plat Book 9, Page 68, Public Records of Lee County, Florida; together with: A parcel of land described in O.R. 2077, Page 34, Lots 3-7 and 30 feet lying between Lot 5 and Lot 6, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block E, W. Stanley Hansons Subdivision, Plat Book 4, Page 35, A parcel of land described in O.R. 1333, Page 1100, O.R. 2557, Page 1499, O.R. 269, Page 2, and Lots 1 and 2, Maravilla Circle, Plat Book 9, Page 39, Public Records of Lee County, Florida; together with: Block D, W. Stanley Hansons Subdivision, Plat Book 4, Page 35, Public Records of Lee County, Florida. Subject To Easements, Restrictions and Rights of Record.

**SECTION 2.** The City Code, Chapter 2, Article VI Community Redevelopment, Section 2-229 Redevelopment trust fund for Area 7 is created to read as follows:

Sec. 2-229 Redevelopment trust fund for Area 7.

(a) There is hereby established in accordance with the provision of Florida Statutes 163.387, a redevelopment trust fund for Area 7, also known as Cleveland Avenue Sub-Area 2, which fund is hereinafter referred to as the Cleveland Avenue Sub-Area 2 Trust Fund. The director of finance of the city is hereby appointed and designated to administer the Cleveland Avenue Sub-Area 2 Trust Fund on behalf of the agency and is authorized and directed to maintain and administer the Cleveland

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Avenue Sub-Area 2 Trust Fund in accordance with applicable laws, ordinances, resolutions and directives of the agency. The monies allocated to and deposited into the Cleveland Avenue Sub-Area 2 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 7.

(b) There shall be annually paid into the Cleveland Avenue Sub-Area 2 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 percent (95%) of the difference between:

(i) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of Area 7; and

(ii) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in Area 7 as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to April 20, 1998.

(c) The agency shall annually receive and deposit into the Cleveland Avenue Sub-Area 2 Trust Fund an amount from each taxing authority

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equal to the increment as calculated in accordance with Florida Statutes 163.387(1), and this article. For the purposes of this article, taxing authority shall have the same meaning as that in Florida Statutes 163.340(2).

(d) Payment of the increment shall be made no later than January first of each year. The obligation of each taxing authority to annually appropriate the amount of the increment to the Cleveland Avenue Sub-Area 2 Trust Fund shall commence as of April 20, 1998 and shall continue until all loans, advances and indebtedness pertaining to redevelopment in Area 7, if any, and any interest thereon incurred by the agency have been paid.

(e) The funding of the Cleveland Avenue Sub-Area 2 Trust Fund shall continue for the duration of the Cleveland Avenue Improvement Program, the community redevelopment plan for Area 7.

**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 6th day of April, A.D., 1998.

<u>AYE</u>	<u><i>Dr. W. Robert Anderson</i></u> Dr. W. Robert Anderson
<u>AYE</u>	<u><i>Veronica S. Shoemaker</i></u> Veronica S. Shoemaker
<u>AYE</u>	<u><i>Ann M. Knight</i></u> Ann M. Knight
<u>AYE</u>	<u><i>Richard G. Bashaw</i></u> Richard G. Bashaw
<u>AYE</u>	<u><i>Brenda S. Brewer</i></u> Brenda S. Brewer Council Members

**APPROVED** this 6th day of April, A.D., 1998, at 9:27  
o'clock p.m.

*Bruce Grady*  
Bruce Grady, Mayor

**FILED** in the Office of the City Clerk this 6th day of April,  
1998.

*Marie Adams*  
Marie Adams, City Clerk

# EXHIBIT 3

## Cleveland Avenue Sub-Area 2

