

RESOLUTION NO. 2003-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING REDEVELOPMENT PLAN FOR DOWNTOWN DATED JULY 21, 1986, BY ADOPTING A REVISED PLAN ENTITLED "DOWNTOWN FORT MYERS - APRIL 2002", APPROVING THE STREETScape PLAN AND THE SMART CODE IN PRINCIPLE, EXTENDING THE TIME CERTAIN FOR COMPLETING ALL REDEVELOPMENT FINANCED BY INCREMENT REVENUES UNTIL NOVEMBER 18, 2032, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pursuant to Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, 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: The City Council created the Downtown Redevelopment District on September 4, 1984; and

WHEREAS: Based on evidence presented to the City Council at public meetings and incorporated into the minutes of Council meetings, the area in the City of Fort Myers more fully described in Section 2 below meets the criteria of a blighted area as defined in Section 163.340(8)(a), Florida Statutes; and

WHEREAS: The City Council adopted the Fort Myers Downtown Plan on July 21, 1986, to guide the redevelopment of the district; and

WHEREAS: The Community Redevelopment Agency and the City Council in 2001, determined that there was a need for an amended downtown plan, and as a result, hired the firm of Duany Plater-Zyberk and Company to prepare an amended plan; and

WHEREAS: The amended Downtown Plan, Streetscape Plan, and SmartCode were presented to the City Council on April 22, 2002, whereby they were adopted in principle; and

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WHEREAS: The City of Fort Myers Planning Board reviewed said Plan, Streetscape Plan, and SmartCode on October 9, 2002, and recommended approval; and

WHEREAS: The Community Redevelopment Agency reviewed said Plan, Streetscape Plan, and SmartCode on October 28, 2002, and recommended approval; 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. The Community Redevelopment Plan entitled "Downtown Fort Myers - April 2002" and the accompanying appendices, hereafter referred to as the "Plan", is hereby adopted as the amended redevelopment plan for the area described below. Said Plan and accompanying appendices are on file in the City Clerk's Office.

2. The Streetscape Plan and Smart Code are hereby approved in principle.

3. The "Plan" redevelopment area boundaries shall remain the same as those established on July 21, 1986, and are described as follows:

Beginning at the intersection of the centerline of the thread of Billy's Creek and the east line of Section 13, Township 44 South, Range 24 East, City of Fort Myers, Lee County, Florida run southeasterly and southerly along said centerline of said Creek for 340 feet more or less to an intersection with the northerly prolongation of the east line of Lot 8, Block C, Dean's Subdivision (Plat Book 4, page 24, Lee County Records); thence run southerly along said prolongation, said east line and a southerly prolongation thereof for 950 feet more or less to an intersection with the southerly line of Michigan Avenue; thence run westerly along said southerly line for 1,465 feet more or less to an intersection with the east line of Evans Avenue; thence run

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southerly along said easterly line for 2,610 feet more or less to an intersection with the south line of said Section 13 in Anderson Avenue; thence run easterly along said south line for 5 feet to an intersection with the northerly prolongation of the easterly line of Evans Avenue as shown on the plat of Evans Second Addition (Plate Book 2, page 1A, Lee County Records); thence run southerly along said prolongation and said easterly line for 1,480 feet more or less to an intersection with the easterly prolongation of the southerly line of Market Street as shown on the plat of Anderson Heights (Plat Book 3, page 59, Lee County Records); thence run westerly along said prolongation, said southerly line and a westerly prolongation thereof for 1,410 feet more or less to an intersection with the west line of Central Avenue; thence run northerly along said westerly line of Central Avenue for 160 feet more or less to an intersection with the south line of Victoria Avenue; thence run westerly along said southerly line and a westerly prolongation thereof for 3,900 feet more or less to an intersection with the west line of Euclid Avenue; thence run northwesterly along the southwesterly line of Altamont Avenue for 57 feet more or less to an intersection with the southeasterly line of McGregor Boulevard; thence run southwesterly along said southeasterly line for 1,185 feet more or less to an intersection with the northeasterly line of the Edison Estate; thence run northwesterly for 1,200 feet more or less to the Point of Beginning of the former City of Fort Myers bulkhead line as established by City Ordinance No. 545; thence continue northwesterly for 5530 feet more or less to a point of intersection in the northwest Corporate Limit of the City of Fort Myers; thence run northeasterly along said Limit 5,464.19 feet to an intersection with a line parallel with and 300 feet (as measured on a perpendicular) southwesterly from the centerline of State Road No. 45; thence run northeasterly along said Limit, perpendicular to and passing through a point on said centerline at 300 feet, for 600.0 feet; thence run northeasterly along said Limit for 1,934.95 feet to an intersection with a line 200 feet southwesterly (as measured on a perpendicular) from the centerline of Business 41 (State Road No. 45A); thence run northeasterly along said Limit (perpendicular to said centerline) for 500 feet; thence run northeasterly along said Limit for 1,600 feet more or less to an intersection with the northeast limit of City ownership of submerged lands as established by Chapter 6962, Laws of Florida, 1915; thence run southeasterly along said northeasterly limit for 6,200 feet more or less to said centerline of Billy's Creek; thence run southeasterly along said centerline for 530 feet more or less to the Point of Beginning.

3. The City Council of the City of Fort Myers, Florida hereby finds that it is in the best interest of the City of Fort Myers to extend the time certain set forth for completing all redevelopment financed by increment revenues within the area described in Section 2 above. Said date shall be

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extended to November 18, 2032, which is thirty (30) years from the date of adoption of this amended plan, as permitted by s. 163.362(10), Florida Statutes.

4. The City Council of the City of Fort Myers, Florida hereby finds that the "Plan" meets the requirements of Chapter 163, Part III, Florida Statutes, as amended, and specifically finds that:

- (a) The "Plan" shows by diagram and in general terms those specific plan requirements set forth in s. 163.362(2), Florida Statutes, including open space, street layout, building limitations, dwelling units, and other public improvements.
- (b) The "Plan" identifies publicly funded capital projects to be undertaken.
- (c) Adequate safeguards exist that the work of redevelopment will be carried out pursuant to the "Plan".
- (d) No displacement of residents is anticipated as a result of the "Plan", however, as a general policy, relocation shall conform to uniform relocation requirements, and replacement housing shall be assured, should any unanticipated temporary or permanent displacement occur as a result of specific action of the Community Redevelopment Agency or the City of Fort Myers.
- (e) The "Plan" provides for the retention of controls and establishment of restrictions on land sold or leased for private use.
- (f) The City of Fort Myers has a commitment to the provision of affordable housing, including the creation of two redevelopment areas with a primary focus on housing affordable to low and moderate income persons and the elderly. Said areas are located immediately adjacent to the

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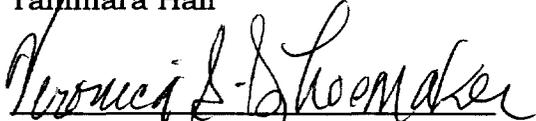
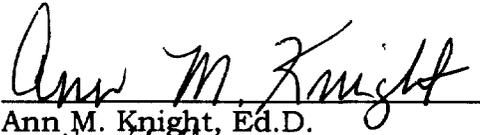
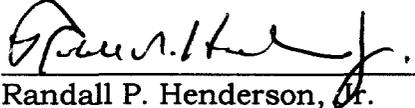
“Plan” area; consequently, the “Plan” is not intended to remedy a shortage of affordable housing in the City.

5. The Community Redevelopment Agency is hereby directed to carry out the “Plan” in accordance with its terms.

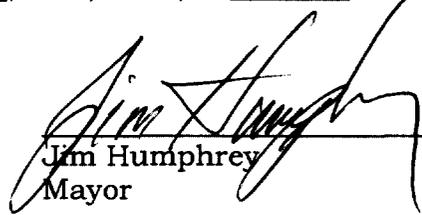
6. This resolution shall become effective immediately upon adoption.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 7th day of April, A.D., 2003.

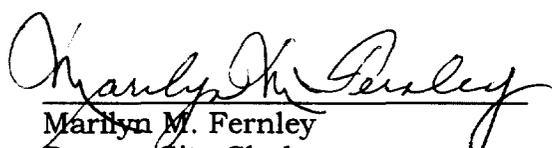
<u>YEA</u>	 _____ Tammara Hall
<u>YEA</u>	 _____ Veronica S. Shoemaker
<u>YEA</u>	 _____ Ann M. Knight, Ed.D.
<u>YEA</u>	 _____ Michael Flanders
<u>YEA</u>	 _____ Randall P. Henderson, Jr. Council Members

APPROVED this 7th day of April, A.D., 2003, at 9:10 o'clock p.m.



Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 7th day of April, A.D., 2003.



Marilyn M. Fernley
Deputy City Clerk