

ORDINANCE NO. 92 - 50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PURCHASE TO FLORIDA STATUTE 163.387, PROVIDING FOR CREATION AND ADMINISTRATION OF A COMMUNITY REDEVELOPMENT TRUST FUND FOR THE WINTER GARDEN COMMUNITY REDEVELOPMENT AREA AS SET FORTH IN RESOLUTION NO. 92 - 04 BY THE CITY COMMISSION; OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE DURATION OF THE COMMUNITY REDEVELOPMENT PLAN; DESIGNATING THE COMMUNITY REDEVELOPMENT TRUST FUND AS THE RECIPIENT OF FUNDS PURSUANT TO CHAPTER 163.387(1), FLORIDA STATUTES, TO BE ADMINISTERED BY THE WINTER GARDEN COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden, Florida has hereto adopted Resolution No. 92 - 04, on which certain findings of fact were made relating to the existence of slum and blighted areas within the boundaries of certain areas of the City of Winter Garden; and

WHEREAS, said Resolution describes the areas in which there exists blight; and

WHEREAS, the City Commission of the City of Winter Garden, Florida has adopted Ordinance No. 92 - 48 creating a Community Redevelopment Agency to carry out and effectuate the purposes of community redevelopment within the boundaries of the Area; and

WHEREAS, the Orange County Board of County Commissioners has, by resolution, delegated to the City the right and authorization to exercise powers as described and provided in Chapter 163, Part III, Florida Statutes, such powers to included the power to establish a Community Redevelopment Trust Fund (the "Fund") in accordance with Section 163.387, Florida Statutes; and

WHEREAS, the City Commission of the City of Winter Garden has adopted an Ordinance No. 92 - 49, approving the Community Redevelopment Plan; and

WHEREAS, the City Commission of the City of Winter Garden desires to provide for the removal of such blighted areas and redevelop such areas, pursuant to the Community Redevelopment Act (the "Act"), as contained in Florida Statutes, Chapter 163, Part III; NOW THEREFORE,

BE IT ENACTED BY THE COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

1. There is hereby established and created in accordance with the provisions of Florida Statute 163.387, a Community Redevelopment Trust Fund hereafter referred to as the "Fund".

2. The funds allocated to and deposited into the Fund are hereby appropriated to the Winter Garden Community Redevelopment Agency, hereafter referred to the "Agency", to finance projects within the Winter Garden Community Redevelopment Area, hereafter referred to as the "Area", as authorized by Resolution No. 92 - , said Resolution being adopted and made a part of this Ordinance by reference. The Agency shall utilize the funds and revenues paid into and earned by the Fund for all and every Community Redevelopment purpose delegated to it in the aforementioned Resolution, and as contained in the Community Redevelopment Plan as provided by law, said Fund to exist for the duration of the Plan.

3. There shall be paid into the Fund each year by all taxing authorities, except school district and the St. John's Water Management District, within the Community Redevelopment Area, the incremental increase in ad valorem taxes levied each year by the above taxing authorities on taxable property in the Community Redevelopment Area, as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the Ordinance approving the Community Redevelopment Plan.

4. The most recent tax roll used in connection with the taxation of such property shall be the Tax Roll of 1992 of Orange County, and all deposits into the Fund shall begin with incremental increases in ad valorem tax revenues received subsequent to November 1, 1992.

5. Said tax increment shall be determined and appropriated annually, and shall be an amount equal to the difference between:

a. The amount of ad valorem taxes levied each year by all taxing authorities except the school district and St. John's Water Management District on taxable real property contained within the geographic boundaries in the Community Redevelopment Area; and

b. 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 all taxing authorities, except the school district and the St. John's Water Management District, last equalized prior to the effective date of the Ordinance approving the Community Redevelopment Plan.

6. All taxing authorities, except the school district and the St. John's Water Management District, will annually appropriate to the Fund the aforesaid sum at the beginning of their fiscal year. The Fund shall receive tax increment above described only as, if and when such taxes may be collected by the taxing authorities. The taxing authorities' obligation to annually appropriate to the Fund shall commence immediately upon the effective date of this Ordinance and continue until all projects, loans, advances and indebtedness, if any, and interest thereon, undertaken or incurred by the Agency as a result of the Plan have been paid and only to the extent that such tax increment recited above accrues.

7. The Agency is directed to establish and set up the Fund and to develop and promulgate rules, regulations, and criteria whereby the Fund may be promptly and effectively administered, including the establishment and the maintenance of books and records and adoption of procedures whereby the Agency may, expeditiously and without undue delay, utilize said funds for their allocated statutory purpose. In addition, the Agency is directed to prepare and implement an interlocal agreement with Orange County whose purpose is to provide for the rebate to the County each year of a predetermined amount from funds deposited by the County in the Community Redevelopment Trust Fund under conditions and criteria established by the original delegation resolution adopted by Orange County. The Agency is directed to establish and set up the Fund and to develop and promulgate rules, regulations, and criteria whereby the Fund may be promptly and effectively administered, including the establishment and the maintenance of books and records and adoption of procedures whereby the Agency may, expeditiously and without undue delay, utilize said funds of their allocated statutory purpose.

8. The tax increment shall be computed by using the assessed value of taxable property in the Community Redevelopment Area for the year 1991 as the base, and in subsequent year using the assessed value of property in the Community Redevelopment

Area for that years as the second factor in determining the amount of tax increment in that year.

9. The Agency accepts full responsibility for the receipt, custody, disbursement, accountability, management and proper application of all monies paid into the Fund, subject to the provisions of Section Two of this Ordinance.

10. Pursuant to Orange County Resolution No. _____ the Fund shall contain separate accounts segregating County and all other deposits.

11. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same hereby repealed.

12. If any part of this Ordinance is held to the invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of the remainder, which shall remain in full force and effect.

13. This Ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 25th DAY OF June, 1992.

Jack Quesinberry
Jack Quesinberry - Mayor/
Commissioner

ATTEST:

Helen Duckwiler
Helen Duckwiler, City Clerk