

ORDINANCE NO. 2007-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ESTABLISHING A REDEVELOPMENT TRUST FUND; PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATION OF THE TAX INCREMENT BY TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEES OF THE REDEVELOPMENT TRUST FUND; EXEMPTING CERTAIN SPECIAL DISTRICTS FROM THE ANNUAL REQUIREMENT TO APPROPRIATE INCREMENT REVENUES TO THE REDEVELOPMENT TRUST FUND AND AUTHORIZING AND DIRECTING THE PREPARATION OF AN INTERLOCAL AGREEMENT IMPLEMENTING EACH SUCH EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution adopted by the City Commission of the City of Clewiston, Florida on the 15th day of November, 2004, it was determined that blighted areas exist within the City of Clewiston, Florida, and that the rehabilitation, conservation or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Clewiston; and

WHEREAS, by Ordinance No. 2005-1 enacted by the City Commission on the 21st day of February, 2005, the City Commission created the Community Redevelopment Agency of the City of Clewiston (the "CRA"); and

WHEREAS, by Resolution adopted by the City Commission on _____, the City Commission adopted a community redevelopment plan (the "Plan") for the community redevelopment area as fully described in that Resolution and in Exhibit "A" attached hereto and made a part hereof (the "Community Redevelopment Area"); and

WHEREAS, in order to plan and implement community redevelopment within the Community Redevelopment Area it is necessary that a redevelopment trust fund be established and created for said area as provided in Section 163.387, Florida Statutes (2005) (the "Act"); and

WHEREAS, it is appropriate and reasonable for certain special taxing districts to be exempted from the requirement to make an annual appropriation of “increment revenues” to the redevelopment trust fund being created by this ordinance; and

WHEREAS, notice of the City Commission’s intention to create a redevelopment trust fund has been published in a local newspaper of general circulation and mailed to all “taxing authorities” (as hereinafter defined) in accordance with Section 163.346, Florida Statutes (2005);

NOW THEREFORE, be it enacted by the City Commission of the City of Clewiston, Florida as follows:

SECTION 1. The City Commission of the City of Clewiston has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 and 166, Florida Statutes,

SECTION 2. There is hereby established and created, in accordance with the provisions of the Act, a Community Redevelopment Trust Fund (the “Fund”) for the Community Redevelopment Area, which fund shall be utilized and expended for the purposes of and in accordance with the Community Redevelopment Plan, including any amendments or modifications thereto, including any “community redevelopment,” as that term is defined in Section 163.340(9), Florida Statutes (2005), under the Plan.

SECTION 3. The monies to be allocated to and deposited into the Fund shall be used to finance “community redevelopment” within the Community Redevelopment Area according to tax increment revenues attributed to the Community Redevelopment Area, which shall be appropriated by the Community Redevelopment Agency. The Community Redevelopment Agency shall utilize the funds and revenues paid into and earned by the Fund for community redevelopment purposes as provided in the Community Redevelopment Plan and as permitted by law. The Fund shall exist for the duration of the “community redevelopment” undertaken by the Community Redevelopment Agency pursuant to the Community Redevelopment Plan to the extent permitted by the Act as stated in the Plan. Monies shall be held in the Fund by the City, for and on behalf of the Agency, and disbursed from the Fund as provided by the Agency.

SECTION 4. There shall be paid into the Fund each year by each of the “taxing authorities,” as that term is defined in Section 163.340(2), Florida Statutes (2005) except for those special districts exempted from such requirement, levying ad valorem taxes within the Community Redevelopment Area, a sum equal to ninety-five percent (95%) of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with Section 6 of this Ordinance and the Act, based on the base tax year established in Section 5 of this Ordinance (such annual sum being hereinafter referred to as the “tax increment”).

SECTION 5. The most recent assessment roll used in connection with the taxation of property prior to the effective date of this Ordinance shall be the preliminary assessment roll of taxable real property in Hendry County, Florida, prepared by the Property Appraiser of Hendry County, Florida, and certified pursuant to Section 193.122, Florida Statutes (2005) reflecting valuation of real property for purposes of ad valorem taxation as of July 1, 2007 (the “base year value”), and all deposits into the Fund shall be in the amount of tax increment calculated as provided in Section 6 hereof based upon increases in valuation of taxable real property from the base year value as reflected on the preliminary assessment roll of taxable real property in the community redevelopment area in the City of Clewiston, Florida, prepared by the Property Appraiser of Hendry County, Florida, filed with the Department of Revenue pursuant to Section 193.1142, Florida Statutes (2005).

SECTION 6 The tax increment shall be determined and appropriated annually by each taxing authority, and shall be an amount equal to ninety-five percent (95%) of the difference between:

(a) That amount of ad valorem taxes levied each year specifically by the City of Clewiston and Hendry County, yet excluding all other taxing authorities on taxable real property located within the geographic boundaries of the Community Redevelopment Area; and

(b) That amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year specifically by the City of Clewiston and Hendry County, yet excluding all other taxing, upon the total of the assessed value of the taxable real property in the Community Redevelopment Area as shown upon the assessment roll used in connection with the taxation of such property by specifically by the City of Clewiston and Hendry County, yet excluding all other taxing, prior to the effective date of this Ordinance.

SECTION 7. The City of Clewiston and Hendry County, shall annually appropriate to and cause to be deposited in the Fund the tax increment determined pursuant to the Act and Section 5 of this Ordinance at the beginning of each fiscal year thereof as provided in the Act. The obligation of the City of Clewiston and Hendry County to annually appropriate the tax increment for deposit in the Fund shall commence immediately upon the effective date of this Ordinance and continue to the extent permitted by the Act so long as any indebtedness pledging “increment revenue” is to be paid and so long as the Plan is in effect.

SECTION 8. The fund shall be established and maintained as a separate trust fund by the Community Redevelopment Agency so that the Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its statutory purpose pursuant to the Plan.

SECTION 9. The governing body of the Agency shall be the trustees of the Fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investment and proper application of all monies paid into the Fund.

SECTION 10. Any and all ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

SECTION 11. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 12. The Clerk of the City of Clewiston, Florida, is hereby authorized and directed to send a certified copy of this Ordinance to each of the taxing authorities and to the Property Appraiser of Hendry County, Florida.

SECTION 13. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2007

CITY OF CLEWISTON, FLORIDA

ATTEST:

MALI CHAMNESS, MAYOR

RICHARD MILLER, CITY CLERK