

PROPOSED  
ORDINANCE NO. 9-84

ORDINANCE NO. 13-84

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE RELATING TO COMMUNITY REDEVELOPMENT;  
ESTABLISHING AND PROVIDING FOR THE FUNDING OF A  
REDEVELOPMENT TRUST FUND PURSUANT TO §163.387,  
FLA. STAT., TO FINANCE OR REFINANCE COMMUNITY  
REDEVELOPMENT PROJECTS OF THE CITY COUNCIL OF THE  
CITY OF PENSACOLA ACTING AS THE COMMUNITY  
REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. FINDINGS.

A. On September 25, 1980, the City Council of the City of Pensacola (hereinafter called the City Council) adopted Resolution No. 54-80 by which it found and declared that there existed in the City of Pensacola a blighted area more particularly described therein; that the rehabilitation, conservation or redevelopment, or a combination thereof, of said blighted area was necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Pensacola to eliminate, remedy and prevent conditions of slums and blights; that said blighted area was appropriate for community redevelopment projects; and that there existed the need for a community redevelopment agency to function in the City of Pensacola to carry out the community redevelopment purposes pursuant to Part III of Ch. 163, Fla. Stat. (hereinafter called the Act). Said resolution designated said blighted area as a community redevelopment area.

B. On September 25, 1980, the City Council adopted Resolution No. 55-80 by which it declared itself the Community Redevelopment Agency in the City of Pensacola and vested in itself all rights, powers, duties, privileges and immunities vested in a community redevelopment agency by the Act.

C. On October 22, 1981, the City Council adopted Resolution No. 65-81 by which, among other things, it readopted and reaffirmed the findings contained in Resolution No. 54-80; more particularly described the boundaries of said community redevelopment area; designated the urban core of said community redevelopment area as the priority area for rehabilitation, conservation, and redevelopment by means of community redevelopment projects conducted by the Community Redevelopment Agency, the boundaries of which urban core are described as follows:

That area situated in the City of Pensacola, Escambia County, Florida, which is bound on the west by "A" Street; on the north by Cervantes Street; on the east by 17th Avenue, the L&N Railroad trestle and the mouth of Bayou Texar; and on the south by Pensacola Bay;

(hereinafter referred to as the Urban Core Community Redevelopment Area); made the following further findings:

1. The police power of the City of Pensacola is inadequate to accomplish the removal or elimination of the blighted area and said area has deteriorated so that mere conservation methods would not accomplish the elimination of the blighted conditions.

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2. Private enterprise cannot accomplish the acquisition and redevelopment of the area in question to eliminate the blighted conditions therein because of the diversity of ownership and the inability of one or more private persons or organizations to obtain all parcels therein without the power of eminent domain; nor would such endeavor be profitable to private enterprise acting alone.

3. That the rehabilitation, conservation and redevelopment of the blighted area is necessary in the interest of the public health, safety, morals and welfare of the residents of the City of Pensacola;

and incorporated therein by reference a report supporting the findings that the Community Redevelopment Area was a blighted area.

D. The City Council now finds that the findings, determinations, declarations and actions set forth in Resolution Nos. 54-80, 55-80, and 65-81 were supported by substantial evidence and were proper, that said findings, determinations, declarations and actions are valid today, and therefore, the City Council does hereby readopt and reaffirm said Resolution Nos. 54-80, 55-80, and 65-81.

**SECTION 2. Establishment of Redevelopment Trust Fund.** Pursuant to §163.387 of the Act there is hereby established a Redevelopment Trust Fund for the Community Redevelopment Agency of the City of Pensacola (hereinafter called the Agency). Funds allocated to and deposited in this fund shall be used to finance or refinance each community redevelopment project undertaken in the Urban Core Community Redevelopment Area pursuant to the Act and when directly related to the financing or refinancing of such a community redevelopment project, may be expended for any purpose authorized by the Act, including:

A. administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the Agency;

B. expenses of redevelopment planning, surveys, and financial analysis;

C. the acquisition of real property in the the Urban Core Community Redevelopment Area;

D. the clearance and preparation of the Urban Core Community Redevelopment Area for redevelopment and relocation of site occupants as provided in §163.370, Fla. Stat.;

E. repayment of principal and interest for loans, advances, bond anticipation notes, bonds, and other forms of indebtedness; and

F. all expenses incidental or connected with the issuance, sale, redemption, retirement, or purchase bonds, bond anticipation notes, or other forms of indebtedness.

**SECTION 3. Funding of Redevelopment Trust Fund.**

A. For the duration of any community redevelopment project undertaken in the Urban Core Community Redevelopment Area pursuant to the Act the annual funding of the Redevelopment Trust Fund established by Section 2 shall be in an amount not less than that

increment in the income, proceeds, revenues, and funds of the City of Pensacola derived from or held in connection with its undertaking and carrying out of community redevelopment projects pursuant to the Act. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

1. the amount of ad valorem taxes levied each year by all taxing authorities except school districts and water management districts on taxable real property contained within the geographic boundaries of the Urban Core Community Redevelopment Area; and
2. 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 school districts and water management districts upon the total of the assessed value of the taxable real property in the Urban Core 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 this ordinance.

B. Pursuant to §163.387(2) of the Act, commencing upon the effective date of this ordinance and for the duration of any community redevelopment project undertaken pursuant to the Act, each taxing authority except school districts and water management districts shall annually appropriate and pay on or before April 1 to the Redevelopment Trust Fund a sum which is no less than the increment of ad valorem tax revenues as defined and determined in paragraph A (1) and (2) above.

C. The obligation of the City Council to fund the Redevelopment Trust Fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon of the Agency incurred as a result of a community redevelopment project, have been paid, but only to the extent that the tax increment described in this section accrues. The City Council covenants that so long as its obligation to fund the Redevelopment Trust Fund continues, it shall take all necessary action to enforce the performance of the obligation of each taxing authority except school districts to make the annual appropriations required by paragraph B. Provided, however, the obligation of the City Council to fund the Redevelopment Trust Fund shall not be construed to make the City of Pensacola a guarantor of the obligations of other taxing authorities under this ordinance or the Act; nor shall it be construed to require the exercise of the taxing power of the City of Pensacola or the payment to the Redevelopment Trust Fund from any other funds of the City of Pensacola except the incremental revenue provided for in paragraph A.

D. The City Council may, in its discretion, deposit such other legally available funds into the Redevelopment Trust Fund as may be described by resolutions adopted on or after the effective date of this ordinance.

E. The Redevelopment Trust Fund shall be maintained and administered as a separate account of the City of Pensacola for the Agency and unexpended monies deposited therein shall be invested in any lawful manner in which other City funds may be invested, subject to such direction as may be given by resolutions of the City Council from time to time.

SECTION 4. Definitions. The terms contained in this ordinance shall have the meanings set forth in the Act.

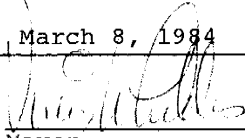
SECTION 5. Severability. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not


affect the validity of any other provision and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 6. Repeal of Inconsistent Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

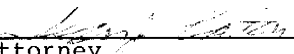
SECTION 7. Effective Date. This ordinance shall take effect immediately upon its passage by the City Council and shall be published as required by law.

Passed: March 8, 1984

Approved:   
Mayor

Attest:   
City Clerk

Legal in form and valid if enacted:

  
City Attorney