PROPOSED ORDINANCE NO. 29-14

ORDINANCE NO. 31-14

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE REPEALING THE BASE YEAR 2007 WESTSIDE REDEVELOPMENT TRUST FUND, AND ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND WITH BASE YEAR 2013, FOR THE WESTSIDE COMMUNITY REDEVELOPMENT AREA IN THE CITY OF PENSACOLA; REPEALING CLAUSE; 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, Florida (hereinafter the "City Council") adopted Resolution No. 55-80 by which it declared itself the Community Redevelopment Agency in the City of Pensacola as authorized by s. 163.357, Florida Statutes (1980), and vested in itself all rights, powers, duties, privileges and immunities vested in a community redevelopment agency by Part III, Chapter 163, Florida Statutes (the "Redevelopment Act").
- B. On May 11, 2006, the City Council authorized a study to consider whether a finding of necessity resolution, pursuant to Section 163.355, Florida Statutes (2005), should be adopted with respect to the Westside Neighborhoods Area, an area which contains the Westside Community Redevelopment Area defined and described in Resolution No. 04-07 and Section 5 of this ordinance.
- C. On January 25, 2007, the City Council adopted a Resolution No. 04-07, supported by data and analysis, pursuant to Section 163.355, Florida Statutes (2006), by which it found conditions of blight in the Westside Neighborhoods Area and declared the Westside Neighborhoods Area in the City of Pensacola to be a "blighted area" as that term is defined in s. 163.340(8), Florida Statutes (2006); that said blighted area was appropriate for community redevelopment projects pursuant to the

Redevelopment Act; that the rehabilitation, conservation or redevelopment or 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 blight; and designated such area as the Westside Community Redevelopment Area.

- D. On February 8, 2007, City Council caused to be prepared a Community Redevelopment Plan for the Westside Community Redevelopment Area.
- E. On May 24, 2007, City Council, acting as the Community Redevelopment Agency of the City of Pensacola, adopted and approved, by Resolution No. 13-07, the Community Redevelopment Plan (hereinafter the "Plan") for the Westside Community Redevelopment Area, identifying redevelopment activities to be undertaken in said area.
- F. On January 17, 2008, City Council, acting as the Community Redevelopment Agency of the City of Pensacola, by Ordinance No. 01-08, established and provided for the funding of a Redevelopment Trust Fund, pursuant to Section 163.387, Florida Statutes (2007), to finance and refinance community redevelopment undertaken pursuant to the Plan in the Westside Community Redevelopment Area.

#### SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the provisions of Chapter 163, Part III, Florida Statutes (2014) and other applicable provisions of law.

### SECTION 3. REPEAL OF REDEVELOPMENT TRUST FUND.

The Redevelopment Trust Fund of the Agency established pursuant to Section 163.387, Florida Statutes (2007) by Ordinance 01-08, with base year 2007, for the Westside Community Redevelopment Area known as the Westside Community Redevelopment Trust Fund is hereby repealed.

# SECTION 4. ESTABLISHMENT OF REDEVELOPMENT TRUST FUND.

There is hereby established pursuant to Section 163.387, Florida Statutes (2014) a Redevelopment Trust Fund of the Agency for the Westside Community Redevelopment Area to be known as the Westside Community Redevelopment Trust Fund with a base year

2013. Funds allocated to and deposited in this fund shall be used by the Agency to finance or refinance community redevelopment undertaken pursuant to the Plan in the Westside Community Redevelopment Area.

#### SECTION 4. FUNDING OF REDEVELOPMENT TRUST FUND.

- A. As required by Section 163.387(1)(a), Florida Statutes (2014), the annual funding of the Westside Redevelopment Trust Fund shall be in an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with its undertaking and carrying out of redevelopment projects pursuant to the Redevelopment 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 those exempted by or pursuant to law on taxable real property contained within the geographic boundaries of the Westside 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 each taxing authority except those exempted by or pursuant to law upon the total of the assessed value of the taxable real property in the Westside Community Redevelopment Area as shown on the most recent assessment roll used in connection with the taxation of such property by each such taxing authority prior to the effective date of this ordinance.
  - A. Commencing on the effective date of this ordinance and for each of twenty three (23) years thereafter, each taxing authority except those exempted by or pursuant to law shall annually appropriate and pay on or before December 31 of that year to the Westside Community Redevelopment Trust Fund a sum which is no less than an amount equal to the incremental increase in ad valorem tax revenues as defined and determined in paragraph A 1. and 2. above.
  - B. The obligation of the City Council as the governing body that established the community redevelopment agency to fund the Westside Community Redevelopment Trust Fund annually shall continue until all loans, advances, indebtedness, if any,

and interest thereon incurred as a result of redevelopment in the Westside Community Redevelopment Area have been paid. The City Council covenants that so long as its obligation to fund the Westside Redevelopment Trust Fund continues, it shall take all necessary action to enforce the performance of the obligation of each taxing authority except those exempted by or pursuant to law to make the annual appropriations required by paragraph B. Provided, however, the obligation of the City Council to fund the Westside 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 Redevelopment Act; nor shall it be construed to require the exercise of the taxing power of the City of Pensacola.

- C. The City Council may, in its discretion, deposit additional legally available funds into the Westside Community Redevelopment Trust Fund as may be described by resolutions adopted on or after the effective date of this ordinance.
- D. The Westside Community Redevelopment Trust Fund shall be maintained and administered as a separate account by the City of Pensacola on behalf of the Agency and unexpended monies deposited therein shall be invested, subject to such direction as may be given by resolutions of the City Council from time to time, or rebated or transferred as provided in Section 163.387(7), Florida Statutes (2014).

### SECTION 5. DEFINITIONS.

The terms contained in this ordinance shall have the meanings set forth in the Redevelopment Act. "Westside Community Redevelopment Area" shall mean that area in the City of Pensacola, Escambia County, Florida more particularly described as follows:

Commencing at the intersection of the City Limits line, as of January 11, 2007, and the Westerly right-of-way line of the Alabama and Gulf Coast Railway, LLC where they intersect Bayou Chico; thence Easterly and Northerly along said City Limits line, to its intersection with the Easterly right-of-way line of 'E' Street; thence Southerly along said Easterly right-of-way line to its intersection with the Northerly right-of-way line of the alley in Blocks 10, 11, 30, and 31, of the West King Tract; thence Easterly along said Southerly right-of-way line to the Easterly right-of-way line of 'A' Street; the

Southerly along said Easterly right-of-way line to the Southerly right-of-way line of Gimble Street; thence Westerly along said Southerly right-of-way line to the Easterly right-of-way line of 'F' Street; thence Southerly along said Easterly right-of-way line to the Southerly right-of-way line of Pine Street; thence Westerly along said Southerly rightof-way line and the former Southerly right-of-way line of the St. Louis-San Francisco Railway (now abandoned Bayshore Line), to the Westerly right-ofway line of 'K' Street; thence Northerly along said Westerly right-of-way line to its intersection with the Northerly right-of-way line of the St. Louis-San Francisco Railway (now abandoned Bayshore Line); thence Westerly along said Northerly right-of-way line to the Westerly right-of-way line of 'L' Street; thence Northerly along said Westerly right-of-way line to its intersection with the Westerly right-ofway line of the Alabama and Gulf Coast Railway, LLC; thence Northwesterly along said right-of-way line to the Point of Beginning.

SECTION 6. SEVERABILITY.

If any section 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 7. REPEAL OF INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: August 28, 2014

Approved: June Conne de J

Attest:

Sity Clerk L. Burett



Published Daily-Pensacola, Escambia County, FL

### PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Virginia Hollingsworth who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

# **Notice of Proposed Ordinances**

Was published in said newspaper in the issue(s) of:

August 18, 2014

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18th Day of August, 2014, by Virginia Hollingsworth, who is personally known to me.

Affiant

Notary Public

**NIKKI E. NICHOLS** Notary Public-State of FL Comm. Exp. Aug. 01, 2016 Comm. No EE 215743

#### NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 28-14, 29-14 and 30-14 were presented to the City Council of the City of Pensacola for first reading on Thursday, July 17, 2014 and will be presented for final reading and adoption on Thursday, August 28, 2014 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main The titles of the proposed ordinances are as follows:

7.0. #28-14:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE AIRSPACE-PALAFOX PLACE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, 701 South Palafox Place)

P.O. #29-14:

(701 South Paistox Piece)
P.O. #29-14:
AN ORDINANCE REPEALING THE BASE YEAR 2007 WESTSIDE REDEVELOPMENT
TRUST FUND, AND ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDE
VELOPMENT TRUST FUND WITH BASE YEAR 2013, FOR THE WESTSIDE COMMUNITY REDEVELOPMENT AREA IN THE CITY OF PENSACOLA; REPEALING CLAUSE;
PO 430-14:

PHOVIDING AN EFFECTIVE DATE.

P.O. #30-14:

AN ORDINANCE AMENDING ORDINANCE 15-05, AMENDING AND READOPTING THE EAST-SIDE NEIGHBORMOOD PLAN ELEMENT OF THE URBAN INFILL AND REDEVEL-OPMENT AREA PLAN; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public in the City Clerk's of-fice located on the 7th Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: http://cityofpensacola.com/AgendaCenter/City-Council-1 Interested parties may appear at the Council meeting and be heard with respect to proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

CITY OF PENSACOLA, FLORIDA By: Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. agendas posted on-line before meetings.

Legal No. 1628614 1T August 18, 2014

