

RESOLUTION 2016-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING OR MODIFYING THE COMMUNITY REDEVELOPMENT PLAN; REAFFIRMING THE FINDING OF THE EXISTENCE OF ONE OR MORE BLIGHTED AREAS IN THE CITY; CHANGING THE BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AREA TO INCLUDE LAND AND DEFINING THE COMMUNITY REDEVELOPMENT AREA TO INCLUDE THREE SUBAREAS KNOWN AS THE "DOWNTOWN REDEVELOPMENT AREA," "NORTH MAGNOLIA REDEVELOPMENT AREA" AND THE "WEST OCALA REDEVELOPMENT AREA;" MAKING CERTAIN FINDINGS AND DETERMINATIONS; APPROVING A MODIFIED COMMUNITY REDEVELOPMENT PLAN TO INCLUDE THE WEST OCALA REDEVELOPMENT PLAN; PROVIDING FOR THE USE AND CALCULATION OF TAX INCREMENT FUNDS; PROVIDING FOR THE DURATION OF THE WEST OCALA COMMUNITY PLAN AND FUND; PROVIDING FOR NOTIFICATION TO THE TAXING AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS:

- A. As used herein, the terms defined in Section 163.340, Florida Statutes, have the meanings as set forth therein. Further, as used herein, the "Redevelopment Act" refers to Part III, Chapter 163, Florida Statutes;
- B. By Resolution No. 88-37, adopted by the Ocala City Council ("City Council") on March 15, 1988, City Council found that one or more slum or blighted areas existed within the City in the area described in the Resolution (the "Downtown Redevelopment Area"), and that the rehabilitation, conservation or redevelopment, or combination thereof, of such area was necessary in the interest of public health, safety, morals or welfare of the residents of the City. Pursuant to such Resolution, the Downtown Redevelopment Area became the City's Community Redevelopment Area;
- C. Pursuant to Resolution No. 88-48, adopted by City Council on April 12, 1988, City Council created the Community Redevelopment Agency ("Agency"), and designated the City Council as the Agency pursuant to Section 163.357, Florida Statutes;
- D. By Resolution No. 88-52, adopted by City Council on May 24, 1988, the City adopted a Community Redevelopment Plan for the Downtown Redevelopment Area;
- E. By Ordinance No. 2009, adopted by City Council on June 1988, the City established a Redevelopment Trust Fund ("Fund") and provided for the deposit therein of tax increment revenues as described in Section 163.387(1) Florida Statutes;
- F. By Resolution No. 93-66, adopted by City Council on June 29, 1993, the City designated the Downtown Development Commission ("DDC") as the Agency pursuant to Section 163.356, Florida Statutes;
- G. By Resolution No. 99-01, adopted by City Council on June 22, 1999, the City designated City Council as the Agency pursuant to Section 163.357, Florida Statutes, and named the DDC as the advisory board to the Agency;

- H. By Resolution No. 99-121, adopted by City Council on August 10, 1999, the City found that one or more slum and blighted areas existed within the area described therein (the "North Magnolia Redevelopment Area"), that the rehabilitation, conservation or redevelopment, or combination thereof, of the North Magnolia Redevelopment Area was necessary in the interest of public health, safety, morals or welfare of the residents of the City, and that the need existed to amend the Community Redevelopment Plan to include the North Magnolia Redevelopment Area;
- I. By Resolution No. 2000-07, adopted by City Council on November 2, 1999, the City adopted a modification to the Community Redevelopment Plan. The modification included a change to the Community Redevelopment Area boundary designating a part of the Redevelopment Area as the "Downtown Redevelopment Area" and the other part as the "North Magnolia Redevelopment Area," and the adoption of the "North Magnolia Redevelopment Area Community Redevelopment Plan" dated June 22, 1999, as the redevelopment plan for the North Magnolia Redevelopment Area;
- J. By Resolution No. 2006-43, adopted by City Council on March 28, 2006, the City adopted a further modification to the Community Redevelopment Plan, amended the Community Redevelopment Plan as set forth therein, and extended the duration of the Community Redevelopment Plan, as more particularly set forth therein;
- K. City Council received a recommendation from City staff, including a Finding of Necessity Report, that a finding of the existence of one or more slum and blighted areas within portions of West Ocala should be made, that such portions of West Ocala should be added to the existing Community Redevelopment Area, and that the current Community Redevelopment Plan should be amended;
- L. City Council adopted Resolution No. 2013-42 on May 7, 2013, finding the existence of one or more blighted areas in the City of Ocala referred to as the "West Ocala Redevelopment Area," finding the conditions in the area meet the criteria described in Section 163.340(8), Florida Statutes, for a blighted area;
- M. The West Ocala Redevelopment Area Plan has been prepared and completed in accordance with the Redevelopment Act;
- N. The Agency received the West Ocala Redevelopment Area Plan and referred it to the Planning & Zoning Commission of the City of Ocala, the local planning agency of the City under the Local Government Comprehensive Planning and Land Development Regulation Act, in accordance with Section 163.360(4), Florida Statutes, and the Planning & Zoning Commission on February 9, 2015, after reviewing the West Ocala Redevelopment Area Plan, determined such plan to be consistent with the City's Comprehensive Plan and returned the proposed West Ocala Redevelopment Area Plan to the Agency with its recommendations;
- O. The Agency approved the proposed West Ocala Redevelopment Area Plan on March 17, 2015, and recommended its adoption to City Council;
- P. Notice to adopt the proposed West Ocala Redevelopment Area Plan was given to all taxing authorities pursuant to Section 163.346, Florida Statutes;
- Q. On July 28, 2015, City Council and the Marion County Board of County Commissioners held a joint public hearing pursuant to Section 163.361(3)(b)(2), Florida Statutes, to discuss and review competing policy goals for public funds;

- R. A public hearing notice regarding the proposed West Ocala Redevelopment Area Plan was issued in accordance with the Redevelopment Act; and
- S. All prerequisites under the Redevelopment Act having been accomplished, and it is now appropriate and necessary in order to proceed further with the redevelopment of the Community Redevelopment Area in accordance with the Redevelopment Act that the Community Redevelopment Area be amended to include the West Ocala Redevelopment Area Plan (Subarea of the Community Redevelopment Area).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA:

1. **Incorporation.** The above matters are incorporated herein.
2. **Reaffirmation of Prior Resolutions.** The Resolutions described above, including Resolution No. 2013-42, finding that one or more slum and blighted areas exist within the West Ocala Redevelopment Area as described and depicted on Exhibit A to such Resolution and to this Resolution, are reaffirmed.
3. **Change in Boundaries of Community Redevelopment Area.** The Community Redevelopment Plan is hereby amended and modified, pursuant to Section 163.361, Florida Statutes, to change the boundaries of the Community Redevelopment Area to include the West Ocala Redevelopment Area. Thus, the Community Redevelopment Area shall consist of the following areas (each of which are referred to as a "Subarea"):
 - a. The Downtown Redevelopment Area;
 - b. The North Magnolia Redevelopment Area; and
 - c. West Ocala Redevelopment Area
4. **Findings Concerning Adoption of the Modified Plan.** The City Council does hereby find that:
 - a. The modification to the Community Redevelopment Plan being made by this Resolution (the "Modified Plan") has been prepared, proposed and approved as required by the Redevelopment Act.
 - b. The City Council hereby approves community redevelopment of the Community Redevelopment Area pursuant to the Community Redevelopment Plan, as modified by this Resolution in that:
 - 1). Even though no families are anticipated to be displaced as a result of community redevelopment as proposed in the Modified Plan, a feasible method exists for the location of any such families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
 - 2). The Modified Plan conforms to the general plan of the City as a whole;
 - 3). The Modified Plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities, that may be desirable for neighborhood improvement, with special

consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Modified Plan; and

- 4). The Modified Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.
 - c. The Modified Plan is consistent with and conforms to the provisions of the City's Comprehensive Plan in effect on the date hereof.
 - d. The Modified Plan is a sufficient and adequate plan for carrying out community redevelopment in accordance with the Redevelopment Act.
 - e. It is appropriate, proper and timely that the Modified Plan be approved at this time so that the Redevelopment Act, and other resolutions, ordinances and laws may be utilized to further redevelopment within the Community Redevelopment Area, including the West Ocala Redevelopment Area.
5. **Approval of Modified Plan.** The City Council does hereby approve, pursuant to Sections 163.360 and 163.361, Florida Statutes, the Modified Plan as the Community Redevelopment Plan for the Community Redevelopment Area. As a result of such action, the Modified Plan consists of the following documents:
 - a. The document entitled "City of Ocala Community Redevelopment Plan," prepared by Henigar and Ray Engineering Associates, Inc., and approved by the Agency on May 17, 1988, a copy of which was attached to Resolution 88-52 as Exhibit B, and is hereby incorporated herein by reference. This document shall serve as part of the Community Redevelopment Plan for the Downtown Redevelopment Area; and
 - b. The document entitled "City of Ocala Downtown Master Plan" dated January 2004, a copy of which is attached to Resolution 2006-43 as Exhibit A, and is hereby incorporated herein by reference. Such document shall serve as the other part of the Community Redevelopment Plan for the Downtown Redevelopment Area.
 - c. The document entitled "North Magnolia Redevelopment Area Community Redevelopment Plan" dated June 22, 1999, a copy of which is attached to Resolution 2000-07 as Exhibit B, and is hereby incorporated herein by reference. This document shall serve as the Community Redevelopment Plan for the North Magnolia Redevelopment Area.
 - d. The document entitled "West Ocala Redevelopment Area Community Redevelopment Plan" dated March 17, 2015, a copy of which is attached hereto as Exhibit A. This document shall serve as the Community Redevelopment Plan for the West Ocala Redevelopment Area.
 - e. All the foregoing documents shall be considered to be a single Community Redevelopment Plan for the purposes of the Redevelopment Act.
6. **Use and Calculation of Tax Increment Funds.**
 - a. 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 for each Subarea and as permitted by law (including the City Code). The Fund shall exist for the duration of the community redevelopment undertaken by the Community Redevelopment Agency pursuant to the Community Redevelopment Plan for each Subarea to the extent permitted by the Redevelopment Act and applicable law. Moneys shall be held in the Fund by the City for and on behalf of the Community Redevelopment Agency, and disbursed from the Fund as provided by the Redevelopment Act, the City Code, Resolution, or the Community Redevelopment Agency.

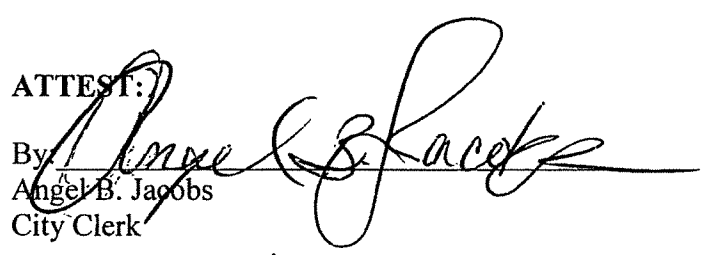
- b. The tax increment to be paid by each taxing authority for the West Ocala Redevelopment Area shall be determined annually and shall be that amount equal to 90 percent of the difference between:
 - 1). The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the West Ocala 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, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the West Ocala Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority for 2015 which is the base year for the West Ocala Redevelopment Area.
7. **Duration of Plan and Fund.** The duration of the Modified Plan for the West Ocala Redevelopment Area, and therefore of the Fund and of the required deposit of tax increment revenues into the Fund for purposes of the West Ocala Redevelopment Area, is December 31, 2045.
8. **Continuation of Fund.** This Resolution does not impair, diminish or restrict the effectiveness, validity of continuation of the Fund created and established by Ordinance No. 2009, enacted by the City Council on June 28, 1988, or any amendments thereto adopted prior to the effective date of this Resolution.
9. **Notification to Taxing Authorities.** The City Clerk is hereby authorized and directed to notify all taxing authorities of the adoption of this Resolution.
10. **Effective Date:** This Resolution shall take effect immediately upon its adoption.

This resolution adopted this 17 day of November, 2015.

CITY OF OCALA

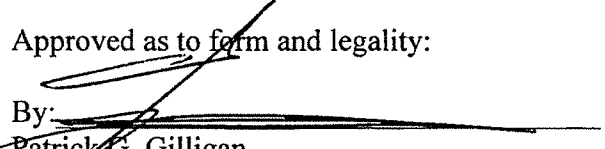
By: Jay A. Musleh
Jay A. Musleh
President, Ocala City Council

ATTEST:

By: 

Angel B. Jacobs
City Clerk

Approved as to form and legality:

By: 

Patrick G. Gilligan
City Attorney