

ORDINANCE NO. 1961

AN ORDINANCE OF THE CITY OF PANAMA CITY, FLORIDA, ESTABLISHING A COMMUNITY RE-DEVELOPMENT AGENCY; PROVIDING FOR THE ESTABLISHMENT OF A REDEVELOPMENT TRUST FUND AND THE FUNDING THEREOF; PROVIDING FOR ANNUAL APPROPRIATIONS BY TAXING AUTHORITIES; IDENTIFYING ORGANIZATIONS AND SPECIAL DISTRICTS NOT SUBJECT TO FUNDING APPROPRIATIONS; PROVIDING FOR PROCESSING OF EXEMPTION REQUESTS; PROVIDING FOR ANNUAL AUDITS AND DISPOSITION OF EXCESS FUNDS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution No. 02101004-1, finding a need for redevelopment in the Millville area and creating a Community Redevelopment Agency to exercise and carry out development within the aforementioned area of the City, and

WHEREAS, in accordance with the requirements of the Florida Statutes, and Section 163.360 thereof, the City Commission of the City of Panama City adopted Resolution No. 06082004-1 approving a Community Redevelopment Plan for the aforementioned area, and

WHEREAS, there is a need to establish and provide for the funding of a redevelopment trust fund pursuant to Florida Statutes Section 163.387,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY:

Section 1. The City Commission of the City of Panama City, Florida, is designated as the Community Redevelopment Agency (herein "CRA") of the Millville Community Redevelopment Area.

Section 2.

A. Establishment of Trust Fund.

There is hereby established and created a Redevelopment Trust Fund (the "Fund") for the Community Redevelopment Agency of the City. Within the Fund, there shall be a segregation of accounting, income, proceeds and funds attributable to the Community Redevelopment Area as established by Resolution No. 06082004-1.

B. Appropriation of Funds.

1. Funds allocated to and deposited into the Fund shall be used by the CRA to fund, finance or refinance any community redevelopment it undertakes pursuant to the approved Community Redevelopment Plan or as otherwise provided by law. Funds attributable to one community redevelopment area shall not be expended on account of any other community redevelopment area.

2. The Fund shall exist for the duration of the Plan, or until all loans, advances and indebtednesses, and interest thereon, incurred for redevelopment of the area have been paid in full.

3. The Fund shall be established and maintained as a separate trust fund by the City pursuant to Section 163.387, Fla. Stats., the provisions hereof, and such other directives as the CRA as may from time to time adopt.

4. The CRA shall be responsible for the receipt, custody, disbursement, accountability, management, investment and proper application of all monies paid into the Fund.

C. Obligation of Taxing Authority to Appropriate Funds.

Beginning with the year of 2004, each taxing authority (as defined in Section 163.340(2), Fla. Stats., shall, by January 1 of each year, appropriate to the Fund a sum that is not less than the increment as defined and determined in Subsection D hereof and Section 163.387, Fla. Stats., accruing to such taxing authority. Annual appropriation to the Fund shall continue for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding, but not to exceed forty (40) years. Should the City of Panama City amend or modify the Community Redevelopment Plan, the taxing authorities shall make the annual appropriation to the

Fund for the area subject to the Amended or Modified Plan for a period not to exceed forty (40) years after the date the Amendment or Modification. Should any taxing authority not pay the increment to the Fund by January 1 of any year, such taxing authority shall pay to the Fund an amount equal to five percent (5%) of the amount of the increment plus interest on the increment equal to one percent (1%) for each month the increment is not paid.

D. Payment of Incremental Increase in Ad Valorem Taxes into Fund.

The increment provided by Subsection C of this Section shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between: (i) 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 within the geographic boundaries of the Community Redevelopment Area, and (ii) 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 community redevelopment area as shown on 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. The most recent assessment roll used in connection with the taxing of such property shall be the 2003 tax roll of Bay County, Florida, and all deposits into the Fund shall begin with the sums equal to the incremental increases for the tax year commencing January 1, 2004, and subsequent years.

E. Exemptions.

1. The following public bodies or taxing authorities created prior to July 1, 1993, are exempt from subsection B of this Section:

- (a) A Special District that levies ad valorem taxes on the taxable real property in more than one county;
- (b) A Special District that has as its only available source of revenue the ad valorem tax at the time of adoption of this Ordinance;
- (c) A Library District, except a library district in a jurisdiction where the Community Redevelopment Agency has validated bonds as of April 30, 1984;
- (d) A Neighborhood Improvement District created under the safe Neighborhoods Act;
- (e) A Metropolitan Transportation Authority;
- (f) A Water Management District created under Section 373.069, Fla. Stats.

2. The City may exempt from Subsection B of this Section a Special District that levies ad valorem taxes within

the Community Redevelopment Area. The City may grant the exemption on its own initiative or in response to a request of the Special District. In order to be considered for an exemption, a Special District must submit a written request to the City. In deciding whether to deny or grant a Special District's request for exemption, the City must consider:

- (a) Other revenue sources of the CRA which could be used in lieu of the Special District's Tax Increment;
- (b) The fiscal and operational impact on the CRA;
- (c) The fiscal and operational impact on the Special District;
- (d) The benefit to the specific purpose for which the Special District was created, based on specific projects contained in the approved Community Redevelopment Plan for the redevelopment area;
- (e) The impact of the exemption on debt incurred and whether such exemption will impair any outstanding bonds that are secured by a pledge of the tax increment revenues and repayment of the debt;
- (f) The benefit of the activities of the Special District to the redevelopment plan; and
- (g) The benefit of the activities of the Special District to the City.

3. The City Commission shall hold a public hearing on the Special District's request for exemption after proper

notice of the hearing is published in a newspaper having a general circulation in Panama City. The notice must describe the time, date, place and purpose of the hearing and must identify generally the Community Redevelopment Area covered by the Plan and the impact of the Plan on the Special District making the exemption request. If the City grants an exemption to a Special District, the City and the Special District must enter into an Interlocal Agreement that establishes the conditions of the exemption, including but not limited to, the period of time for which the exemption is granted. If the City denies a request for exemption by a Special District, the City shall provide the Special District with a written report specifying its rationale for such denial. Such written report shall include, but not be limited to, a separate, detailed examination of each consideration listed in Subsection E (2) above and shall include specific examples of how the approved Community Redevelopment Plan will benefit, and has already benefitted, the purpose for which the Special District was created.

4. The decision to either deny or grant an exemption must be made by the City within one hundred twenty (120) days after the date the written request was submitted to the City pursuant to the procedures established herein.

F. Annual Disposition of Funds, Auditing.

1. The CRA shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into and the amount and purpose of each withdrawal from the Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness secured by increment revenues and the remaining amount of such indebtedness. The CRA shall provide a copy of the report to each taxing authority.

2. Pursuant to Section 163.387(7), Fla. Stats., on the last day of the fiscal year of the CRA, any money which remains in the Fund after payment of expenses for such year pursuant to Section 163.387(6) Fla. Stats., shall be:

- (a) returned to each taxing authority which paid increments into the Fund, in an amount as the payment of such taxing authority bears to the total amount paid into the Trust Fund by all taxing authorities within the redevelopment area for that year;
- (b) used to reduce the amount of any indebtedness to which increment revenues are pledged;
- (c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged, or

- (d) appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan, which project will be completed within three (3) years from the date of such appropriation.


Section 3. Should any part or portion of this Ordinance be declared invalid or unconstitutional, any remaining provisions shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

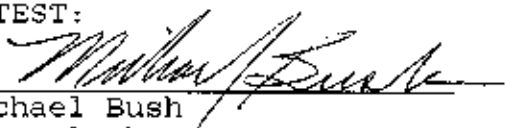
Section 5. This Ordinance shall become effective upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida, this 22nd day of June, 2004.

CITY OF PANAMA CITY, FLORIDA

By 
Girard L. Clemons, Jr.
Mayor

ATTEST:


Michael Bush
City Clerk

RESOLUTION NO.: 06082004-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PANAMA CITY FLORIDA, PROVIDING APPROVAL OF THE MILLVILLE COMMUNITY REDEVELOPMENT PLAN.

WHEREAS, the City Commission of the City of Panama City, Florida commissioned the preparation of a Community Redevelopment Plan for the Millville Community Redevelopment Area; and

WHEREAS, the City of Panama City has coordinated with the retained planning consultant for purposes of facilitating the preparation of a Community Redevelopment Plan for the Millville Community Redevelopment Area; and

WHEREAS, the City Commission finds that the redevelopment goals and objectives of the plan are acceptable, and consistent with Part III, Chapter 163, and Florida Statutes.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE CITY OF PANAMA CITY, FLORIDA, AS FOLLOWS:**

1. That pursuant to Florida Statutes, Section 163.360(5), the Community Redevelopment Agency hereby recommends approval of the Millville Community Redevelopment Plan to the City Commission of the City of Panama City, Florida. A copy of the Millville Community Redevelopment Plan is at Exhibit A* attached hereto and made a part hereof.
2. That a copy of this Resolution, including the Millville Community Redevelopment Plan has been be transmitted to each taxing authority that


levies ad valorem taxes on taxable real property contained within the geographical boundaries of the redevelopment area.

3. That this Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the City Commission of the City of the City of Panama City Florida, in Regular Session, on this 8th day of June, 2004.

**CITY COMMISSION OF THE CITY OF
PANAMA CITY, FLORIDA**

By: _____


Girard L. Clemons, Jr., Mayor

ATTEST:


Michael Bush, City Clerk

RESOLUTION No. 02-10-2004-1

A RESOLUTION OF THE CITY OF PANAMA CITY, FLORIDA RELATING TO COMMUNITY REDEVELOPMENT IN MILLVILLE, DEFINING THE COMMUNITY REDEVELOPMENT AREA, FINDING THE EXISTENCE OF CONDITIONS IN THE AREA THAT WARRANT THE CREATION OF A REDEVELOPMENT DISTRICT IN ACCORDANCE WITH CRITERIA SET FORTH IN CHAPTER 163, FLORIDA STATUTES, MAKING CERTAIN FINDINGS AND DETERMINATIONS, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of City Commissioners, Panama City, Florida, finds the existence of one or more slum and blighted areas, as defined in the "Community Redevelopment Act" of part III of Chapter 163, Florida Statutes within the boundary of the proposed Millville Redevelopment Area ("the Area"), and determines that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area by a redevelopment agency is necessary and in the best interests of the public health, safety, morals, or welfare of the residents and citizens of the City of Panama City; and

WHEREAS, the City Commission has commissioned a study which has confirmed the findings of slum and blight in the Millville Area; and

WHEREAS, conditions are present which are detrimental to the sound growth of the Area and which substantially impair or arrest the growth within the Area and adjacent territory, and present conditions and uses are detrimental to the public health, safety, morals and public welfare; and

WHEREAS, there is a predominance of inadequate or defective street layout within the Area; and

WHEREAS, there is faulty and inadequate lot layout in the Area in relation to size, adequacy, accessibility, or usefulness; and

WHEREAS, there has been a deterioration of site or other improvements within the Area; and

WHEREAS, there is a diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Area; and

WHEREAS, these conditions endanger life and property and substantially impairs or arrests the sound growth of the Area and is a menace to the public health, safety, morals or welfare in its present condition and use; and

WHEREAS, a feasible method exists for the relocation of those displaced from the Area; and

WHEREAS, action must be taken to prevent further blight and deterioration and to protect and enhance public expenditures previously made by the City in the Area; and

WHEREAS, the City desires to proceed under Part III, Chapter 163, Florida Statutes, to establish the necessary means by which redevelopment can be accomplished in the Area; and

WHEREAS all prerequisites having been accomplished, it is now appropriate and necessary in order to proceed further that a redevelopment plan be prepared

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF CITY COMMISSIONERS, PANAMA CITY, FLORIDA

Section One: The City Commission, based upon evidence presented to it and in the public record does hereby expressly find that slum or blighted areas as defined in Section 163.340(8), Florida Statutes (1997), exist within the community redevelopment area as defined in Section 163.340 (10), Florida Statutes (1987), as described in Exhibit A, attached hereto

Section Two: For the purpose of this resolution and any community redevelopment project undertaken pursuant hereto, the Community Redevelopment Area shall be that Area more particularly described in Exhibit A, attached hereto

Section Three: The City Commission does hereby expressly find that the rehabilitation, conservation or redevelopment, or a combination thereof, of the area described in Section two is necessary in the interest of the public health, safety, morals or welfare of the residents of Millville

Section Four: The City Commission does hereby expressly find that it is necessary, appropriate, proper and timely that a Community Redevelopment Agency be created to carry out the community redevelopment purposes of the provisions of part III, Chapter 163, Florida Statutes and other resolutions, ordinances and laws that may be utilized to further redevelopment within the area described in Exhibit A.

Section Five: This resolution shall take effect immediately upon its passage.

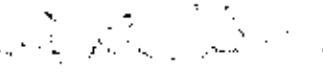
DONE, ORDERED AND ADOPTED THIS 10th day of February 2004.

ATTEST

BOARD OF CITY COMMISSIONERS
PANAMA CITY, FLORIDA



Mike Bush, City Clerk

BY: 
Girard I. Clemons, Jr., Mayor

Commence at the intersection of the centerlines of 3rd Street and Mercedes Avenue for the Point of Beginning; thence North along the said centerline of Mercedes Avenue to the centerline of 4th Street; thence Northeast along the said centerline of 4th Street to the centerline of U.S. Highway 98; thence East along the said centerline of U.S. Highway 98 to the Easterly waters edge of Watson Bayou; thence Northerly along the Easterly waters edge of Watson Bayou to a point of intersection with the Westerly extension of the centerline of 7th Street; thence East along the said Westerly centerline extension of 7th Street to the existing centerline of 7th Street; thence continue East along the said centerline and centerline extension of 7th Street to the East right of way line of Everitt Avenue; thence South along said East right of way line of Everitt Avenue to the centerline of Cherry Street; thence West along said centerline of Cherry Street to the centerline of East Avenue; thence South along the said centerline of East Avenue and the extension of East Avenue centerline to the waters edge of St. Andrews Bay; thence Westerly and Northerly along said waters edge of St. Andrews Bay and Watson Bayou to a point of intersection with the Easterly extension of the centerline of 3rd Street; thence West along the said extension of 3rd Street centerline to the existing centerline of 3rd Street; thence continue West along the centerline of said existing 3rd Street to the centerline of Mercedes Avenue, also being the Point of Beginning. Located and being in Bay County, Florida.

