

ORDINANCE NO. 2007-0505

AN ORDINANCE OF THE CITY COMMISSION OF STARKE, FLORIDA, AMENDING CHAPTER 82 OF THE CITY OF STARKE CODE OF ORDINANCES TO INCREASE THE AREA OF THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR THE RATIFICATION AND ADMINISTRATION OF COMMUNITY REDEVELOPMENT PLANS; PROVIDING AUTHORITY FOR THE CITY TO ACQUIRE AND DISPOSE OF REAL PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING AUTHORITY FOR THE ISSUANCE OF BONDS; PROVIDING A LEGAL DESCRIPTION OF THE MAIN STREET STARKE REDEVELOPMENT AREA; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF STARKE, FLORIDA AS FOLLOWS:

Section 1. Purpose.

This ordinance amends the ordinance administering a community redevelopment area in the City of Starke in order to more effectively promote, protect and improve the health, safety and welfare of the residents of the City of Starke.

Section 2. Amendment of Division 1.

Division 1 of Chapter 82 of the City of Starke Code of Ordinances is hereby amended as follows by substitution in its entirety with the following language:

DIVISION 1. GENERALLY

Sec. 82-101. Findings.

It is hereby ascertained, represented, determined and declared that:

- (1) There exist in certain areas of the city, slum and blighted areas which constitute a serious and growing menace, injurious to the public

health, safety, morals, and welfare of the residents of the city; such areas contribute substantially and increasingly to the spread of disease and crime, constitute an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impair or arrest sound growth, retard the provision of adequate housing, aggravates traffic problems, and substantially hamper the elimination of traffic hazards and the improvement of traffic facilities; the prevention and elimination of slums and blight is a matter of city policy and concern in order that the city and its residents shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of city revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) Certain slum or blighted areas, or portions thereof, may require the acquisition of property, the sale (including sales at below fair market prices) and grant of property to further redevelopment, the removal or demolition of existing structures, the acquisition, construction, rehabilitation and equipping of residential development and related office, commercial and light industrial development and other public and private improvements and projects, the sale, leasing or other disposition thereof, and the financing of such projects either by private financing or public funding since the prevailing condition of decay may make impracticable

the reclamation of the area by conservation or rehabilitation; other areas or portions thereof may be susceptible to conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public and private action and the cooperation and voluntary action of the owners and tenants of property in such areas and other interested persons and corporations.

(3) The powers conferred hereby and the financing of projects hereunder are for paramount public purposes for which public money may be expended, advanced, loaned or granted; public property may be granted or sold at prices below fair market value, eminent domain and police powers exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of paramount public purposes and legislative policy and determination.

(4) The preservation or enhancement of the tax base from which the city realizes tax revenues is essential to its existence and financial health. Tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining. When completed, community redevelopment and related economic development in such areas will enhance such tax base and provide increased tax revenues to the city increasing its ability to accomplish its other respective purposes; and the preservation and

enhancement of the tax base in such areas through tax increment financing, the levying of taxes by the city therefore, and the appropriation of such funds and other non-ad valorem revenues of the city to redevelopment trust funds bears a substantial relation to the purposes of the city for its respective purposes and concerns.

(5) Further, there exists a severe shortage of decent, safe and sanitary housing in slum and blighted areas of the city. The existence of such condition affects the health, safety, and welfare of the residents of the city and impedes its growth and economic and social development. Such conditions require excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident prevention, and other public services and facilities; and the elimination or improvement of such condition is a proper matter of public policy and is for a valid and desirable paramount public purpose, which may be relieved through encouragement of investment by private enterprise and stimulation of residential development and office, commercial and light industrial development related thereto through use of public financing, expenditure of public funds, grants and sales of public property at below-market prices, and provision of loans to private, public and not for profit owners at below-market interest rates to provide residential development in community redevelopment areas. Therefore, the financing, acquisition, construction, reconstruction and rehabilitation of residential development in redevelopment areas are effective growth management tools and

practices and are paramount public purposes for which public money may be spent, advanced, loaned or granted and are governmental functions of public concern.

(6) The residential, commercial and industrial development, historic preservation, recreational, cultural, educational and health care industries are vital to the economy of the city, particularly in these areas having conditions described in this Section; the enhancement of community redevelopment activity in such areas by attracting varied residential, commercial, office and light industrial and manufacturing activities is needed in such areas to provide a strong, balanced and stable economy in the city and at the same time, prevent or eliminate slum and blight. Therefore, it is necessary and in the public interest to facilitate the financing of such projects in community redevelopment areas as herein provided and to provide incentives, financial and otherwise, for the planning and development of such projects in community redevelopment areas; and the provisioning of such incentives, financial and otherwise, are paramount public purposes for which public money may be spent, advanced, loaned or granted and are governmental functions of public concern necessary and in the public interest as a matter of public policy and legislative determination.

Sec. 82-102. Definitions.

The following terms, wherever used or referred to herein, have the following meanings:

(a) *Agency* or community redevelopment agency means the Starke

Community Redevelopment Agency created and established by section 82-122 of the Starke Code and designated therein as the sole community redevelopment agency of the city.

(b) *Area of operation* means the area within the corporate limits of the city.

(c) *Blighted area* means either:

(1) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions that lead to economic distress or endanger life or property by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of the city and is a menace to the public health, safety, morals, or welfare in its present condition and use:

(i) Predominance of defective or inadequate street layout;

(ii) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(iii) Unsanitary or unsafe conditions;

(iv) Deterioration of site or improvements;

(v) Inadequate and outdated building density patterns;

(vi) Tax or special assessment delinquency exceeding the fair value of the land;

(vii) Inadequate transportation and parking facilities; and

(viii) Diversity of ownership or defective or unusual conditions of

title which prevent the free alienability of land within the deteriorated or hazardous area; or

(2) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

(d) *Bonds* mean, collectively, an indebtedness of the city pursuant to financing agreements permitted hereunder and revenue bonds issued by the city hereunder.

(e) *City* means the City of Starke, Florida, a municipal corporation.

(f) *Community redevelopment or redevelopment* means undertakings, activities or projects of the city in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for residential and commercial development, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or revitalization in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(g) *Community redevelopment area* means the community redevelopment areas the area described in sec. 82-181 of this code and any other slum area, blighted area, or an area in which there is a shortage

of housing or an area that is deteriorating and economically distressed due to outdated existing structures, building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the city commission designates as a community redevelopment area.

(h) *Community redevelopment plan* means the community redevelopment plan described in sec. 82-181 of this code, and future plans established pursuant to this ordinance and other applicable provisions of law, for future community redevelopment areas.

(i) *Community policing innovation* means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

(j) Cost, as applied to any project, shall embrace:

- (1) The cost of construction, renovation or rehabilitation;
- (2) The cost of acquisition and sales or other disposition of property, including rights in land and other property, both real and personal and improved and unimproved;
- (3) The cost of demolishing, removing, or relocating any buildings or structures on lands so acquired, including the cost of

or after completion of the project, loan agreement, or other agreement forming the basis for financing indebtedness under this ordinance, including any agreements, guarantees, or security instruments forming part of or related to providing assurance of payment of indebtedness under such financing agreement.

(n) *Governing body* means the City Commission of Starke, Florida.

(o) *Increment revenue* means the amount calculated pursuant to section 82-132 of this code.

(p) *Mayor* means the mayor of the City of Starke, Florida.

(q) *Obligee* means and includes any person, bondholder, agent or trustee for any bondholders, or lessor demising to the city property used in connection with community redevelopment, or any assignee of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the city.

(r) *Person* means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(s) *Project* means any capital project in furtherance of community redevelopment within a community redevelopment area pursuant to a community redevelopment plan, including residential development and office, commercial and light industrial development related thereto, any rehabilitation, improvement, renovation or enlargement of, or any addition

to, any buildings or structures, and including also the sites thereof and other rights in land therefore whether improved or reimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and public facilities incidental thereto, such as utilities, roads, parks, playgrounds, or parking facilities for community redevelopment within a community redevelopment area pursuant to a community redevelopment plan.

(t) *Public officer* means any officer who is in charge of any department or branch of the city relating to health, fire, building regulations, or other activities concerning dwellings in the city.

(u) *Real property* means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(v) *Related activities* mean:

- (1) Planning for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a community-wide plan or program.
- (2) The development of housing, open spaces, shops, restaurants and cultural and entertainment facilities for residents of the area.
- (3) The development of community policing innovations.

(w) *Slum area* means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.

Section 3. Amendment of Division 2.

Sections 82-125 and 82-126 of the City of Starke Code of Ordinances are hereby created, to read as follows:

Sec. 82-125. Finding of necessity and paramount public purpose.

The city shall not exercise the authority conferred herein with regard to new community redevelopment areas until after the city commission has adopted a resolution finding that:

- (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing, exist in the city; and,
- (2) The rehabilitation, conservation, renovation, improvement and redevelopment, or a combination thereof, of such area or areas, including residential development and related, office, commercial, light industrial and other development, and the financing thereof, is necessary in the interest of the public health, safety, morals, or welfare of the residents of the city as a

paramount public purpose.

**Sec. 82-126. Exercise of powers by the Starke Community
Redevelopment Agency.**

The powers of the Starke Community Redevelopment Agency, as the sole community redevelopment agency pursuant to this article, include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Code, except the following, which continue to vest in the city commission:

- (1) The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for community redevelopment, and to hold public hearings required with respect thereto.
- (2) The power to grant final approval to community redevelopment plans and modifications thereof.
- (3) The power to authorize the incurrence of indebtedness under financing agreements and the issuance of revenue bonds with respect to projects.
- (4) The power to approve the acquisition, improvement and sale or other disposition of property by the city or the Starke Community Redevelopment Agency and the incurring of project costs by the city or the Starke Community Redevelopment Agency, and the power to assume the responsibility to bear loss.
- (5) The power to approve the development of community policing

innovations.

Section 4. Amendment of Division 3.

(a) Sections 82-151 and 82-152 of the City of Starke Code of Ordinances are hereby amended as follows, by substitution in their entirety with the following language:

Sec. 82-151. Community redevelopment plans.

(a) New community redevelopment shall not be planned or initiated under this Code unless and until the city commission has, by resolution, found and determined that a specified area is appropriate for community redevelopment, has designated such area as a community redevelopment area and has adopted a community redevelopment plan for such area.

(b) The community redevelopment plan shall:

(1) Conform to the comprehensive plan for the city;

(2) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, rehabilitation and improvements, including residential development and related office, commercial and light industrial development, as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements; and

(3) Provide for residential development in the area or state the reasons for not addressing residential development in the area.

(c) The community redevelopment plan may also provide for the development and implementation of community policing innovations.

(d) The city commission shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the city. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(e) Following such hearing, the city commission may approve the community redevelopment area and the community redevelopment plan therefore if it finds that:

- (1) A feasible method exists for the relocation of families who will be displaced from the community redevelopment area in decent, safe, and sanitary accommodations within their financial means and without undue hardship to such families;
- (2) The community redevelopment plan conforms to the general plan of the city as a whole, and, if appropriate, the comprehensive plan;
- (3) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate residential development and related commercial, office and light industrial development and utilities, roads, parks, playgrounds, parking facilities and other improvements that may be desirable for neighborhood

improvement, with special consideration for the health, safety, and welfare of elderly persons and children residing in the area covered by the plans; and

- (4) The community redevelopment 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.
- (f) If the community redevelopment area consists of an area of open land to be acquired by the city, such area may not be so acquired unless:
 - (1) The area is to be developed in whole or in part for residential uses, in which case, the city commission determines:
 - (i) That a shortage of housing of sound standards and design which is decent, safe, affordable and sanitary exists in the city;
 - (ii) That there is a need for residential development in the area;
 - (iii) That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; or
 - (iv) That the acquisition of the area for residential development

and related office, commercial and light industrial development is an integral part of and is essential to community redevelopment in the city.

- (2) In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:
 - (i) Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.
 - (ii) Acquisition may require the exercise of governmental action, as provided in this Code, because of: (a) defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land; (b) tax delinquency; (c) improper subdivisions; (d) outmoded street patterns; (e) deterioration of site and the improvements thereon; (f) economic disuse; (g) unsuitable topography or faulty lot layouts; (h) lack of correlation of the area with other areas of the city by streets and modern traffic requirements; or (i) any combination of such factors or other conditions which retard development of the area.
 - (iii) Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

(g) Upon the approval by the city commission of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the city may then carry out such plan or modification in accordance with its terms.

Sec. 82-152. Modification of community redevelopment plans.

(a) If at any time after the approval of a community redevelopment plan by the city commission, it becomes necessary or desirable to amend or modify such plan, the city commission may amend such plan. The recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, the merger or consolidation of two or more redevelopment areas into one redevelopment area, or may include the development and implementation of community policing innovations.

(b) The city commission shall hold a public hearing on a proposed modification of a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the city.

(c) If a community redevelopment plan is modified after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the city may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

(b) Sections 82-153, 82-154, and 82-155 of the City of Starke Code of Ordinances are hereby created, to read as follows:

Sec. 82-153. Contents of community redevelopment plan.

Every community redevelopment plan shall:

(a) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.

(b) Show by diagram and in general terms:

(i) The approximate amount of open space to be provided and the street layout.

(ii) Limitations on the type, size, height, number, and proposed use of buildings.

(iii) The approximate number of residential, commercial, office and light industrial units.

(iv) Such property as is intended for use as parks, playgrounds, roads, utilities, parking facilities and other public improvements.

(c) If the redevelopment area contains housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(d) Identify any recommended or proposed capital projects or types of capital projects, whether publicly funded or privately financed, to be undertaken within the community redevelopment area.

(e) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(f) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the city commission deems necessary to effectuate the purposes of this Code.

(g) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

(h) Provide an element of residential development in the redevelopment area if the plan is intended to remedy a shortage of housing or if the plan is not intended to remedy such shortage, the reasons therefore.

(i) Contain an estimate of the projected costs of any then identified capital projects in the community redevelopment area and any then-identified indebtedness of the city, if any, proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues or other non-ad valorem revenues of the city.

(j) Provide an estimated time for completing redevelopment under the plan.

Sec. 82-154. Sale and disposal of property in community redevelopment area.

(a) The city may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Code. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan during such period as may be specified by the city and may be obligated to comply with such other requirements as the city may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(b) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest

for uses in accordance with the community redevelopment plan and in accordance with such reasonable procedures as the city may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the city shall take into account and give consideration to the long-term benefits to be achieved by the city resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the city retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair market value, such disposition shall require the approval of the city commission. The city may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the city until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the city which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such

part or parts of such contract or plan as the city may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(c) The city may temporarily operate and maintain real and personal property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this Code, without regard to the provisions above, for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

Sec. 82-155. Issuance of revenue bonds.

(a) When authorized or approved by ordinance of the city commission, the city may issue revenue bonds as empowered in Section 82-128 from time to time to finance the undertaking of any community redevelopment under this Code, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. However, in no event shall any revenue bonds or other obligations issued to finance any project under this Code mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed project and any such other non-ad valorem revenues of the city as are legally available and

pledged for such purpose in a subsequent ordinance.

(b) In anticipation of the sale of revenue bonds pursuant to paragraph (a), the city may issue bond anticipation notes and may renew such notes from time to time. Such notes shall be paid from any sources which may be used to pay or secure revenue bonds under this Code and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Bonds issued under this Section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds issued under the provisions of this Code are declared to be issued for an essential, paramount public and governmental purpose.

(c) Bonds issued under this section shall be authorized by ordinance of the city commission; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupons or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such ordinance or trust indenture issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale,

and for such price as the city commission may determine will effectuate the purposes of this Code.

(d) In case any of the public officials of the city whose signatures appear on any bonds issued under this Code cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(e) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this Code, or the security therefore, any such bond reciting in substance that it has been issued by the city in connection with community redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this Code.

(f) The revenue bonds and notes of every issue under this Code may be payable out of and secured by a lien on the increment received by the city and deposited to the appropriate redevelopment trust fund in accordance with section 82-132. If so payable, the lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such

bonds or notes.

(g) Revenue bonds issued under the provisions of this Code shall not be deemed to constitute a debt, liability, or obligation of the city or the state or any political subdivision thereof, or a pledge of the faith and credit of the city or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefore. All such revenue bonds shall contain on the face thereof a statement to the effect that the city shall not be obligated to pay the same or the interest thereon except from the revenues of the city held for that purpose and that neither the faith and credit nor the taxing power of the city or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

Section 5. Amendment of Section 82-172.

Section 82-172 of the City of Starke Code of Ordinances is hereby amended as follows by substitution in its entirety with the following language:

Sec. 82-172. Redevelopment trust funds.

(a) The city shall establish redevelopment trust funds for community redevelopment areas. Funds allocated to and deposited into a redevelopment trust fund shall be used by the city to finance or refinance any project it undertakes pursuant to an approved community redevelopment plan. The city may not receive or spend any increment revenues pursuant to this section unless and until the city commission has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment plan. Such ordinance

may be adopted only after the city commission has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds derived from or held in connection with the undertaking and carrying out of community redevelopment under this Code. Such increment shall be determined annually and shall be that amount equal to 95 percent (95%) of the difference between:

- (1) The amount of ad valorem taxes levied each year, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a 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 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 upon the most recent assessment roll used in connection with the taxation of such property prior to the effective date of the ordinance providing for the funding of the trust fund.

(b) Upon the adoption of an ordinance providing for funding of a redevelopment trust fund, the city shall, each year, appropriate to the appropriate community redevelopment trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is

outstanding a sum that is no less than the increment as defined and determined in subsection (a) above accruing to the city.

(c) Notwithstanding the provisions of subsection (b), the obligation of the city to fund a redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, incurred as a result of a project or projects in a community redevelopment area have been paid.

(d) Monies in the redevelopment trust fund may be expended from time to time for any purpose directly related to redevelopment in a community redevelopment area pursuant to an approved community redevelopment plan including, but not limited to, the following:

- (1) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan or project;
- (2) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the city for such expenses incurred before the redevelopment plan were approved and adopted;
- (3) The acquisition and sale or other disposition of real property in the redevelopment area;
- (4) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants;
- (5) The repayment of principal and interest or any redemption

premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness;

- (6) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance authorizing such bonds, notes, or other form of indebtedness;
- (7) Residential development and related office, commercial and light industrial projects within the community redevelopment area;
- (8) The development of community policing innovations; and
- (9) The cost of any community redevelopment, including any project, undertaken in the community redevelopment area.

Section 6. Creation of Division 5.

Division 5 of Chapter 82 of the City of Starke Code of Ordinances is hereby created to read as follows:

DIVISION 5. COMMUNITY REDEVELOPMENT AREAS

Sec. 82-181. Main Street Starke Community Redevelopment Area.

(a) Authority. The Main Street Starke Community Redevelopment Area, is adopted pursuant to Laws of Fla. ch. 13426 (1927), as amended and supplemented; the Municipal Home Rule Powers Act, F.S. § 166.041 and F.S. § 163.360.

(b) Legal description. The legal description of the Main Street

Starke Community Redevelopment Area is as follows: A tract of land in Bradford County, Florida being described as follows: Commence at the intersection of the South right-of-way line of West Adkins Street with the East right-of-way line of North Orange Street; thence Southerly along said East right-of-way line of North Orange Street to the North right-of-way line of West Madison Street; thence Easterly along said North right-of-way line of West Madison Street to the West right-of-way line of North Church Street; thence Northerly along said West right-of-way line of North Church Street to the North right-of-way line of East Call Street; thence Easterly along said North right-of-way line of East Call Street to Easterly property line of Lots 1 - 11, 13, and 14 of Block C of the Blanding Subdivision of the City of Starke; thence Northerly along said property lines to the Easterly property line of Lots 8 and 9 of Block 29 in the Livingston Truby & Company addition to the City of Starke; thence Northerly to the intersection of the North right-of-way line of Bridge Street with the West right of way line of Short Street; thence Northerly along said right-of-way line of Short Street to the South right-of-way line of East Adkins Street; thence Westerly along said right-of-way line of East Adkins Street to the East right-of-way line of North Temple Avenue (U.S. Hwy. 301); thence Southerly along said right-of-way line of North Temple Avenue to an easterly prolongation of the South right-of-way line of West Adkins Street; thence Westerly along said right-of-way line of West Adkins Street to the West right-of-way line of North Lake Street; thence Northerly along said

right-of-way line of North Lake Street to the South right-of-way line of West Adkins Street; thence Westerly along said right-of-way line to the East right-of-way line of North Orange Street and the point of beginning.

(c) Plan.

- (1) Open space and community composition. The open space shall be utilized as parking facilities and areas to rest. The proposed amount of open space is 31,750 square feet. The number of residential dwelling units within the community redevelopment area is 177. There are no public parks or recreation areas. There are twenty-one (21) streets which are approximately 34,116 linear feet. There are 34,116 linear feet of water and sewer improvements within the community redevelopment area. There is a low to moderate income housing apartment building within the designated community redevelopment area.
- (2) There are several capital improvement projects anticipated in the redevelopment area, which will be made with public funds:
 - (i) Street improvements to the "Historic Call Street" area;
 - (ii) Installation of lights and landscaping in the area;
 - (iii) Provision of new parking spaces; and
 - (iv) Facade and commercial building improvements to the community redevelopment area.
- (3) Certification. The City of Starke certifies and assures that the community redevelopment plan will be implemented as outlined

right-of-way line of North Lake Street to the South right-of-way line of West Adkins Street; thence Westerly along said right-of-way line to the East right-of-way line of North Orange Street and the point of beginning.

(d) Plan.

- (1) Open space and community composition. The open space shall be utilized as parking facilities and areas to rest. The proposed amount of open space is 31,750 square feet. The number of residential dwelling units within the community redevelopment area is 177. There are no public parks or recreation areas. There are twenty-one (21) streets which are approximately 34,116 linear feet. There are 34,116 linear feet of water and sewer improvements within the community redevelopment area. There is a low to moderate income housing apartment building within the designated community redevelopment area.
- (2) There are several capital improvement projects anticipated in the redevelopment area, which will be made with public funds:
 - (i) Street improvements to the "Historic Call Street" area;
 - (ii) Installation of lights and landscaping in the area;
 - (iii) Provision of new parking spaces; and
 - (iv) Facade and commercial building improvements to the community redevelopment area.
- (3) Certification. The City of Starke certifies and assures that the community redevelopment plan will be implemented as outlined

in this plan and pursuant to the recommendations of the community redevelopment agency.

- (4) Phase I. Phase I of the project will provide infrastructure improvements. Any sales or leases during the redevelopment period will be advertised to the public. The city shall neither displace nor relocate residents to accomplish the requirements of Phase I of the community redevelopment plan. In the event of any amendment to this plan which creates or causes displacement, the City will assist such persons as required under U.S. Department of Housing and Urban Development regulations, as codified in 24 C.F.R. 42. A cost summary of the proposed improvements shall be determined by the city commission before December 31, 2008. The cost estimate for Phase I shall be prepared by the city manager. The completion time for Phase I (infrastructure) is two (2) years.
- (5) Phase II. Under Phase II of the community redevelopment plan, the low interest loans shall be repaid in full at the time of the sale of the property; also, rent increases will be controlled through a rental regulatory agreement with the property owner during the period of the low interest loan. Phase II of the community redevelopment plan shall provide low interest loans to the owners of the buildings in exchange for their assurances to provide jobs for the low/moderate income residents of the

city. There will not be any indebtedness under the proposed community redevelopment plan of public funds/governing bodies. The only indebtedness will be that of the property owners in Phase II. The completion time of Phase II (facade and building improvements) is five (5) years.

Section 7. Repealer.

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

Section 8. Directions to Codifier.

It is the intention of the City Commission of Starke, Florida, that Sections 2 through 6 of this ordinance shall become and be made a part of the City of Starke Code of Ordinances, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 9. Severability.

If any subsection, sentence, clause, phrase or portion of this ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding or invalidity shall not affect the remaining portions of this ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been severed here from, and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts has not been included herein. If this ordinance or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to any other person, property, or circumstances.

Section 10. Effective Date.

This ordinance shall become effective upon its filing with the Secretary of State.

PASSED BY FIRST READING, with a quorum present and voting, by the City Commission of Starke, Florida in regular session, this 6th day of March 2007.

PASSED AND DULY ADOPTED BY SECOND READING with a quorum present and voting, by the City Commission of Starke, Florida in regular session, this 3rd day of April 2007.

**CITY COMMISSION OF
STARKE, FLORIDA**

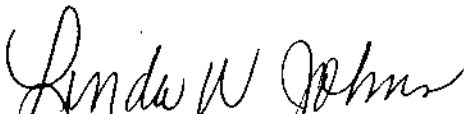
**TOMMY CHASTAIN
DANIEL NUGENT
CAROLYN B. SPOONER
WILBUR WATERS
TRAVIS WOODS**

By:




CAROLYN B. SPOONER
MAYOR AND COMMISSIONER

ATTEST:



LINDA W. JOHNS
CITY CLERK

Inst:2007206377 Date:04/13/2007 Time:16:28

 DC, Ray Norman, Bradford County B:1210 P:538