

# **COLEMAN COMMUNITY REDEVELOPMENT PLAN**

## **Chapter 1 Community Redevelopment Act and Agency**

Chapter 1

COMMUNITY REDEVELOPMENT ACT AND AGENCY

Community Redevelopment Act

In 1969, the Florida State Legislature enacted **Part III, Chapter 163, Florida Statutes (FS)**, enabling local units of government to set up a Community Redevelopment Agency (CRA). The overall goal of the legislature was to encourage local initiative in downtown and neighborhood revitalization and to provide maximum opportunity for private enterprises to participate in the redevelopment/revitalization of the designated areas. The five primary objectives of the redevelopment legislation are:

1. To address the physical, social and economic problems associated with slums and blighted areas.
2. To encourage local units of government to improve the physical environment (i.e. buildings, streets, utilities, parks, etc.) by means of rehabilitation, conservation, or clearance/redevelopment
3. To convey to local community redevelopment agencies the powers of eminent domain, expenditure of public funds, and all other general police powers as a means by which slums and blighted areas can be improved (THE CITY OF COLEMAN HAS RETAINED THESE POWERS UNTO ITSELF)
4. To enhance the tax base in the redevelopment areas by encouraging private reinvestment channeling of tax increment revenues into public improvements within the designated areas
5. To estimate substandard housing conditions and to provide adequate amounts of housing in good condition to residents of low or moderate income, particularly to the elderly

To be designated as a redevelopment area, the area must meet the criteria outlined in Chapter 163.340, Florida Statutes. Areas can be designated as blighted if:

- 1) There is a substantial number of slum, deteriorated, deteriorating structures and conditions that endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:
  - Predominance of defective or inadequate street layout
  - Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
  - Unsanitary or unsafe conditions
  - Deterioration of site or other improvements
  - Tax or special delinquency exceeding the fair value of the land
  - Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area
- 2) There is 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.

**Community Redevelopment Agency**

Upon a finding of necessity as set forth in F.S. 163.355, and upon a further finding that there is a need for an agency to carry out the community redevelopment purposes, a local unit of government may create by resolution a public body corporate and politic to be known as a “community redevelopment agency” The purpose to the community redevelopment agency is to prepare a cause to be prepared a “community redevelopment plan” used to guide redevelopment activities and detail use of “redevelopment trust fund” revenues.

Upon finding of necessity as discussed above, the Coleman CRA was established on May 12, 2003 as a public body under F.S. 163.356. The Coleman City Council by resolution established the Coleman city limits as the Community Redevelopment Area and appointed itself (the city council) as the Community Redevelopment Agency.

**Redevelopment Plan Content**

In accord with F.S. 163.360 and 163.362, the Community Redevelopment Plan shall:

- Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Local Government Comprehensive Planning and Land Development Regulation Act.
- Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation 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.
- Provide for the development of affordable housing in the area, or state the reason for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.
- The community redevelopment plan may provide for the development and implementation of community policing innovations.

In addition, the redevelopment plan shall contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries. Show by diagram and in general terms; the approximate amount of open space to be provided and the street layout; limitations on the type, size, height, number, and proposed use of buildings; the approximate number of dwelling units; such property as is intended for use of public parks, recreation areas, public utilities, and public improvements of any nature.

The redevelopment plan shall identify any publicly funded capital projects to be undertaken within the community redevelopment area; contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan; provide for 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 governing body deems necessary to effectuate the purposes of this part.

If the redevelopment area contains low or moderate income housing, the plan shall 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 circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters effecting the physical and social quality of the neighborhood. 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; provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly, or if the plan is not intended to remedy such shortage, the reasons therefore.

The redevelopment plan shall contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues; provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to F.S. 163.361 (1).

Upon the approval by a local unit of government 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 county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

### **Redevelopment Trust Fund**

There shall be established for each community redevelopment agency created under F.S. 163.356 a redevelopment trust fund F.S. 163.387. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community development plan. No community redevelopment agency may receive or spend any increment revenues unless or until the local unit of government 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 local unit of government has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an account not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between

- 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 a community redevelopment area; and
- 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 upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

Redevelopment trust fund revenues may be expended from time to time for the following purposes, when directly related financing or refinancing of redevelopment in a community redevelopment area pursuant to an approved community redevelopment plan.

- Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.
- Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for each expense incurred before the redevelopment plan was approved and adopted.
- The acquisition of real property in the redevelopment area.
- The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as approved in F.S. 163.370.
- The repayment of principal and interest of any redevelopment premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
- All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of agency 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 or resolution authorizing such bonds, or other form of indebtedness.
- The development of affordable housing and community policing innovations within the area.

Each community redevelopment agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit to each taxing authority. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdraws from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The following section includes the set of enacting resolutions and ordinances for the creation of the Community Redevelopment Agency, and Redevelopment Trust Fund along with any document additions or modifications which may occur from time to time.

**RESOLUTION NO. 2003-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLEMAN, FLORIDA RELATING TO THE ESTABLISHMENT OF THE COLEMAN COMMUNITY REDEVELOPMENT AREA AND COLEMAN REDEVELOPMENT AGENCY; MAKING FINDINGS REGARDING CONDITIONS WITHIN THE REDEVELOPMENT AREA WITHIN THE CITY OF COLEMAN, FLORIDA; DECLARING THE NEED FOR A COMMUNITY REDEVELOPMENT AGENCY.**

WHEREAS, Chapter 163, Part III of the Florida Statutes authorizes the creation of a Community Redevelopment Area; and

WHEREAS, Chapter 163, Part III of the Florida Statutes authorizes the creation of a Community Redevelopment Agency; and

WHEREAS, pursuant to notice published on the 1<sup>st</sup> Day of May, 2003, the City Council has today conducted a public hearing and taken and received testimony and evidence relating to the matters recited in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLEMAN, FLORIDA, as follows:

SECTION 1. It is found, determined, and declared:

- A. The subject area of this resolution includes all of the City of Coleman, Florida, is referred to hereafter as the “Redevelopment Area” and is legally described in Exhibit “A” attached.
- B. The Redevelopment Area meets the definitions set forth in Florida Statutes 163.340(8) based on the following findings:
  - 1. Within the Redevelopment Area there exists the conditions set forth in Florida Statutes 163.340 (8) (a, d, e, and f) which substantially impair the sound growth of the municipality and are a menace to the public health, safety, and welfare: Predominance or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities; unsanitary or unsafe conditions; deterioration of site or other improvements; and inadequate and outdated building density patterns.
  - 2. The documentation of the above conditions are supported by data and analysis included in the Finding of Necessity which is hereby included in this resolution by reference and is found to be in accord with Florida Statutes 163.355.
  - 3. One or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exists in the Redevelopment Area.

4. The rehabilitation, conservation, or redevelopment, or a combination thereof, of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Coleman.
5. The above conditions which exist within the Redevelopment Area are leading to economic distress or are endangering property within the Redevelopment Area.
6. The police power of the City of Coleman, Florida is inadequate to remove or eliminate conditions within the Redevelopment Area and the area has deteriorated so the mere conservation methods would not eliminate the conditions.
7. Private enterprise cannot accomplish the acquisition and redevelopment of the area to eliminate the conditions because of the diversity of ownership and the inability of one or more private persons or organizations to obtain all parcels without the power of eminent domain. The endeavor would not be profitable to private enterprises acting alone.
8. The rehabilitation, conservation, and redevelopment of the area is necessary in the interest of the public health, safety, morals, and welfare of the residents of the City of Coleman, Florida.

SECTION 2. There is a need for a community redevelopment agency in the City of Coleman, Florida to carry out the community redevelopment purposes of Florida Statutes Chapter 163, Part III.

- A. In accord with Florida Statutes 163.357 the City of Coleman hereby declares itself to be the community development agency with all of the vested rights, powers, duties, privileges, and immunities granted by Florida Statutes, Chapter 163, Part III.

Passed by the City of Coleman, City Council in regular session, this 12<sup>th</sup> day of May, 2003.

ATTEST:

CITY OF COLEMAN, FLORIDA

Signature of Leland Clay Godwin  
Leland Clay Godwin  
City Clerk

BY: Signature of Lonnie G Evans  
Lonnie G Evans  
Mayor, City Council

**Exhibit "A"**

That the corporate limits, community development area, and the territorial boundaries of the City of Coleman, Sumter County, Florida shall embrace, include and be comprised of the following properties lying in Sumter County, Florida, to wit:

Begin at the NW corner of the NW ¼ of Section 31 run North 89 degrees 49 minutes 32 second along the north lines of said NW ¼ 253.51 feet thence S 02 degrees 42 minutes 14 seconds E 306.18 feet south 87 degrees 02 minutes 52 seconds W 268.59 feet to west line of the aforesaid NW ¼ thence 00 degrees 01 minute 45 seconds W along said W line 318.88 feet to point of beginning less road right-of-way for US Highway 301 over and across the N side thereof and less road right-of-way over and across the W side thereof.

The West ½ of the West ½ of the South ½ of the NE ¼ of the SE ¼ of Section 25, Township 19 South, Range 22 East, Sumter County, Florida, subject to an easement for ingress and egress over and across the South 25 feet thereof.

Begin at the Northeast corner of the SW ¼ of the SW ¼ of the SW ¼ in Section 30, Township 19 South, Range 23 East, thence run South 0 degrees 07 minutes 33 seconds East along the East Line of Said SW ¼ of SW ¼ of SW ¼ 289.00 feet to the point of beginning, thence continue South 0 degrees 07 minutes 33 seconds East 375.1 feet, thence run North 89 degrees 59 minutes 34 seconds West 663.32 feet, thence run North 0 degrees 07 minutes 32 seconds West along said West line 375.48 feet, thence run North 89 degrees 59 minutes 15 seconds East 663.32 feet to point of beginning.

Begin at SE corner of NE ¼ of NE ¼ of Section 25, Township 19 South, Range 22 East; thence run West to SE corner of NW ¼ of SE ¼; thence North to SE corner of NE ¼ of NW ¼ of SE ¼; thence West to SE corner of NE ¼ of NE ¼ of SW ¼; thence run North to SE corner of NE ¼ of NW ¼; thence West to SE corner of NW ¼ of NE ¼ of Section 26 Township 19 South, Range 22 East; thence South to SE corner of SW ¼ of NE ¼; thence West to the SE corner of SE ¼ of the NW ¼; thence South to SE corner of NE ¼ of SW ¼; thence West to SE corner of SW ¼ of NE ¼ of SW ¼; thence South to SW ¼ of SE ¼ of NW ¼ of Section 35 Township 19 South, Range 22 East; thence East to SE corner of SW ¼ of SW ¼ of NW ¼ of Section 36 Township 19 South, Range 22 East; thence North to SE corner of NW ¼ of SW ¼ of NW ¼; thence East to SE corner of NE ¼ of SW ¼ of NW ¼; thence North to SE corner of NW ¼ of NW ¼; thence East to SE corner of NE ¼ of NW ¼; thence North to SE ¼ corner of NE ¼ of NE ¼ of NW ¼; thence East to SE corner of NE ¼ of NE ¼ of NE ¼; thence North along range line to point of beginning.

**ORDINANCE 2003-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLEMAN, FLORIDA RELATING TO THE ADOPTION OF THE COLEMAN COMMUNITY REDEVELOPMENT PLAN; AND CREATING A REDEVELOPMENT TRUST FUND PURSUANT TO F.S. CHAPTER 163, PART III; PROVIDING FOR THE DEPOSIT OF TAX INCREMENT FUNDS INTO THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE AMOUNT OF TAX INCREMENT FUNDS TO BE DEPOSITED; SETTING FORTH THE BASE LEVEL OF AGGREGATE ASSESSED VALUES WITHIN THE REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Part III, Florida Statutes, authorizes the creation of a Community Redevelopment Agency, Community Redevelopment Area, Community Redevelopment Plan, and Redevelopment Trust Fund; and

**WHEREAS**, the City Council of the City of Coleman, Florida has previously established a Community Redevelopment Agency, and Community Redevelopment Area; and

**WHEREAS**, upon the recommendation of the Coleman Community Redevelopment Agency, the City Council of Coleman, Florida now wishes to adopt the proposed Coleman Community Redevelopment Plan and establish a Redevelopment Trust Fund; and

**WHEREAS**, the scope of the proposed Coleman Community Redevelopment Plan includes analysis and recommendations regarding land use, public facilities, utilities, capital improvements, housing, recreation and open spaces, transportation, circulation, and parking affecting a thirty (30) year period within the redevelopment area; and

**WHEREAS**, redevelopment would not occur in the Redevelopment Area without employing redevelopment assistance tools as described in the Community Redevelopment Plan, and the Community Redevelopment Plan could not be implemented without the establishment of the Redevelopment Trust Fund and tax increment financing; and

**WHEREAS**, Chapter 163, Part III, Florida Statutes requires that a Redevelopment Trust Fund be created for the deposit of tax increment funds derived from the Redevelopment Area defined by the Community Redevelopment Plan;

**WHEREAS**, pursuant to notice published May 29, 2003 and July 3, 2003 the City Council has today conducted a public hearing and taken and received testimony and evidence relating to the matters recited in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLEMAN, FLORIDA, as follows:**

**SECTION 1.** It is found, determined, and declared:

- A. The subject area of this Ordinance is part of the City of Coleman, Florida, is referred to as “Redevelopment Area” and is legally described in Resolution No. 2003-1
- B. The Coleman Community Redevelopment Plan has been found to be in compliance with the Comprehensive Plan and Chapter 163, Part III of the Florida Statutes including 163.360 (7,8) based on the following findings:
  - 1. A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
  - 2. The community redevelopment plan conforms to the general plan of the municipality as a whole;
  - 3. The community redevelopment 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 improvements, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan;
  - 4. The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

**SECTION 2.** It is found, determined, and declared:

- A. There is hereby established and created, in accordance with the provisions of Section 163.387, Florida Statutes, a Community Redevelopment Trust Fund, to be separately administered and accounted for, hereafter referred to as the “Redevelopment Fund”
- II. The Redevelopment Fund shall be used for the deposit of all tax increment funds obtained by the Community Redevelopment Agency to finance or refinance community redevelopment projects within the Community Redevelopment Area and all such funds shall be used to carry out redevelopment activities included in the Community Redevelopment Plan.
- III. The Redevelopment Fund is to exist until all redevelopment projects included in the Community Redevelopment Plan are completed and paid for or until legally terminated by ordinance, but not to exceed thirty (30) years. The Redevelopment Fund shall receive the annual tax increment, as hereinafter defined, from all taxing authorities except the county school district and Southwest Florida Water Management District for the Redevelopment Area described in the Redevelopment Plan.

- IV. The amount allocated to the Redevelopment Fund shall be determined as set forth in Section 163.387, Florida Statutes.
- V. The “base Level” of aggregate assessed values within the Redevelopment Area for tax increments purposed shall be set at the level of the most recent assessment roll used for the taxation of real property in the Redevelopment Area prior to the effective date of this Ordinance.
- VI. The amount of tax increment is determined annually and is 95% of the difference between the future annual ad valorem millage rate applied to the future real property assessed values within the Redevelopment Area and the current rate applied to the “best level” of aggregate assessed values within the Redevelopment Area.
- VII All taxing authorities excluding the county school district and South West Florida Water Management District, will annually appropriate to the Redevelopment Fund the afore stated sum at the beginning of their fiscal year. The Redevelopment Fund shall receive the tax increment above described only as, if and when such taxes may be collected by the taxing authorities. The taxing authorities’ obligation to annually appropriate to the Redevelopment Fund shall commence immediately upon the effective date of the Ordinance and continue until all redevelopment projects included in the Community Redevelopment Plan are completed and paid for or until legally terminated by ordinance, but not to exceed thirty (30) years, and only to the extent that such tax increment recited above accrues.
- VIII The Redevelopment Agency shall provide for an independent financial audit of the Redevelopment 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 withdraws from, the Redevelopment Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Redevelopment Agency shall provide a copy of the report to each taxing authority.
  - A. If any portion of this Ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining potions of this Ordinance. If any conflict occurs between the provisions of this Ordinance and the provisions of Chapter 163, Part III, Florida Statues, concerning tax increment financing, the statutory provisions shall control and supply to this Ordinance.

**SECTION 3.** The Coleman Community Redevelopment Plan is hereby adopted and shall be deemed to be in full force and effect for the respective Redevelopment Area, and the Coleman Community Redevelopment Agency shall carry out such plan or modification in accordance with its terms. The Redevelopment Fund is hereby established and shall be deemed to be in full force and effect for the respective Redevelopment Area.

Passed by the Coleman City Council in regular session, this **14** day of **July**, 2003

**City of Coleman, Florida**

By: Signature of Lonnie G. Evans  
Lonnie G. Evans  
Mayor, City Council

ATTEST:

Signature of Leland Clay Godwin  
Leland "Clay" Godwin