

**1. Requested Motion:** Motion to introduce Ordinance 13-09 and set a Public Hearing date for November 4, 2013 at 9:00 AM.

**Meeting Date:** 10/21/2013

**Why the action is necessary:** State law provides that prior to adoption, an ordinance title must be read at at least one meeting prior to the date of the public hearing to adopt the ordinance.

**What the action accomplishes:** Introduces the Ordinance and sets a public hearing date.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:**

This ordinance has been drafted in order to document and memorialize the history of the CRA that was first created by Lee County and then became the Town of Fort Myers Beach Community Redevelopment Agency after incorporation of the Town. The ordinance readopts and reconfirms the existence of the CRA and includes those statutory items required by Chapter 189, Florida Statutes relating to special districts. A copy of the adopted ordinance will be provided to the State agency that administers all special districts because currently their records do not include required creation documents.

**6. Alternative Action:** Decline to introduce the ordinance.

**7. Management Recommendations:** Introduce the ordinance and set a public hearing date.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

ORDINANCE 13-09

AN ORDINANCE READOPTING AND RECONFIRMING, BY ORDINANCE, ALL PRIOR LEE COUNTY AND TOWN OF FORT MYERS BEACH RESOLUTIONS RELATING TO THE CREATION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE TOWN OF FORT MYERS BEACH, FORMERLY KNOWN AS THE ESTERO ISLAND COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR PURPOSE, POWERS, FUNCTIONS AND DUTIES OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE TOWN OF FORT MYERS BEACH; PROVIDING FOR GEOGRAPHIC BOUNDARIES OF THE AGENCY; AUTHORITY OF THE AGENCY; STATEMENT OF WHY THE AGENCY IS THE BEST ALTERNATIVE; GOVERNING BODY MEMBERSHIP, ORGANIZATION, COMPENSATION AND ADMINISTRATIVE DUTIES; FINANCIAL DISCLOSURE, NOTICING AND REPORTING REQUIREMENTS; METHODS OF FINANCING; CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Board of County Commissioners, on July 11, 1990, adopted Resolutions 90-07-21 and 90-07-22 for the purpose of creating the "Lee County Community Redevelopment Agency;" and

WHEREAS, the Lee County Community Redevelopment Agency included various areas of unincorporated Lee County and included the area known as "Estero Island;" and

WHEREAS, the Lee County Board of County Commissioners, on June 17, 1991, adopted Ordinance No. 91-17, which established a Redevelopment Trust Fund and established the base year as 1990 for determining assessed values of property in the Community Redevelopment area for tax increment purposes; and

WHEREAS, the area of unincorporated Lee County previously know as "Estero Island" became an incorporated municipality that is now known as the "Town of Fort Myers Beach" on December 31, 1995; and

WHEREAS, the Town Council of the Town of Fort Myers Beach, on March 18, 1996, adopted Resolution 96-7, and thereby expressed its intent to exclusively exercise all of the powers and responsibilities of the Lee County Community Redevelopment Agency with respect to that geographic area known as "Estero Island;" and

WHEREAS, Resolution 96-7 further requested that the Lee County Board of County Commissioners direct its staff and County Manager to cooperate in the transfer of responsibility and authority for the Community Redevelopment Agency to the Town; and

WHEREAS, on June 1, 1998 the Town Council of the Town of Fort Myers Beach adopted Resolution Number 98-13 establishing itself as the governing board of the Estero Island Community Redevelopment Agency; and

WHEREAS, the Town Council of the Town of Fort Myers Beach, on June 1, 1998, adopted Resolution Number 98-14 and thereby changed the name of the “Estero Island Community Redevelopment Agency” to “the Town of Fort Myers Beach Community Redevelopment Agency” and adopted as its bylaws the same bylaws previously adopted by Lee County as amended through March 13, 1995; and

WHEREAS, on June 29, 1998, the Town Council of the Town of Fort Myers Beach adopted Resolution Number 98-16 which changed the area included in the Town of Fort Myers Beach Community Redevelopment Agency to only those parcels of land on Estero Island from Bay to gulf, bounded on the north by the north boundary of Lynn Hall Park, the commercial area across the street from Lynn Hall Park and the north side of Old San Carlos Boulevard; and on the south by the canal south of Crescent Street from the Bay to Estero Boulevard and the area extending southward along both sides of Estero Boulevard to Pearl Street; and

WHEREAS, the Town Council of the Town of Fort Myers Beach, in adopting Resolution Number 98-16, approved the “Downtown Redevelopment Plan” as the redevelopment plan for the Town of Fort Myers Beach Community Redevelopment Agency; and

WHEREAS, the Community Redevelopment Agency of the Town of Fort Myers Beach filed a bond validation Complaint in the Circuit Court in and for Lee County, Florida in Case No. 98-7386-CA; and

WHEREAS, the Court, in the above-described bond validation case, entered a “Final Judgment Validating Bonds” on November 24, 1998 and specifically found, in paragraph 9 on page 4 of the Final Judgment, that the Community Redevelopment Agency of the Town of Fort Myers Beach is a public body corporate and politic and a community redevelopment agency duly established by the Town Council as the governing body of the Town, and is validly existing under and pursuant to the Town Charter, the Town Redevelopment Resolution and the Redevelopment Act, and is vested with all powers and authority granted under the Community Redevelopment Act; and

WHEREAS, the legal effect of a bond validation proceeding is that a judgment validating bonds is forever conclusive as to all matters adjudicated in that proceeding; and

WHEREAS, since the Final Judgment Validating Bonds in Lee County Circuit Court Case Number 98-7386 specifically found that the Community Redevelopment Agency of the Town of Fort Myers Beach validly exists under the Town Charter, the

Town Redevelopment Resolution and the Redevelopment Act, that finding is “forever conclusive” and is, therefore, no longer subject to challenge by any person or entity.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

**Section 1.** The foregoing recitals are hereby adopted and incorporated herein.

**Section 2.** The Town Council hereby readopts and reconfirms, by this ordinance, all prior Lee County and Town of Fort Myers Beach Resolutions described in the “Whereas” clauses above that relate to the Community Redevelopment Agency of the Town of Fort Myers Beach, formerly known as the Estero Island Community Redevelopment Agency.

**Section 3.** The purpose, powers, functions and duties of the Community Redevelopment Agency of the Town of Fort Myers Beach shall be as set forth in Chapter 163, Part III, Florida Statutes.

**Section 4.** The geographic boundary of the Community Redevelopment Agency of the Town of Fort Myers Beach shall be those parcels of real property lying in the area of Estero Island from Estero Bay to the Gulf of Mexico bounded on the north by the north boundary of Lynn Hall Park, the commercial area across the street from Lynn Hall Park and the north side of Old San Carlos Boulevard; and bounded on the south by the canal south of Crescent Street from the Bay to Estero Boulevard and the area extending southward along both sides of Estero Boulevard to Pearl Street. A list of the parcels by STRAP number is attached hereto and incorporated herein as Exhibit “A.”

**Section 5.** The authority of the Community Redevelopment Agency of the Town of Fort Myers Beach shall be as described in Chapter 163, Part III, Florida Statutes.

**Section 6.** The Community Redevelopment Agency of the Town of Fort Myers Beach is the best alternative because the Town, as a coastal resort and tourist area is deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, and can, through the means provided in Chapter 163, Part III, Florida Statutes, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

**Section 7.** The governing body of the Community Redevelopment Agency of the Town of Fort Myers Beach is the Town Council of the Town of Fort Myers Beach and the membership, organization, compensation, and administrative duties are as set forth in the Bylaws as adopted by the Town Council on June 1, 1998 in Resolution Number 98-14.

**Section 8.** The applicable financial disclosure, noticing and reporting requirements for the Community Redevelopment Agency of the Town of Fort Myers Beach shall be as set forth in Chapter 112, Part III, Florida Statutes, and Chapter 163, Part III, Florida Statutes.

**Section 9.** The methods for financing the Community Redevelopment Agency of the Town of Fort Myers Beach shall be as provided in Chapter 163, Part III, Florida Statutes and any other applicable general or special law.

**Section 10.** The creation of the Community Redevelopment Agency of the Town of Fort Myers Beach is hereby found to be consistent with the adopted Town of Fort Myers Beach Comprehensive Plan.

**Section 11.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 12.** Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor  
Bob Raymond  
Dan Andre

Joe Kosinski, Vice Mayor  
Jo List

DULY PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2013, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH.

ATTEST:

By: \_\_\_\_\_  
Alan Mandel, Mayor

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
FOWLER WHITE BOGGS, Town Attorney

**APPENDIX A: LEGAL DESCRIPTION**

The following provides a legal description of the Fort Myers Beach Downtown Redevelopment Area in the form of strap numbers for each parcel.

244623-W3-00004-0000	244623-W3-00202-0060	244623-W3-00208-004A	244623-W3-02500-1010	194624-W4-0070A-0040
244623-W3-00005-0000	244623-W3-00202-0090	244623-W3-00208-0060	244623-W3-02800-000A	194624-W4-0070A-0060
244623-W3-00006-0000	244623-W3-00202-0110	244623-W3-00208-0080	244623-W3-02800-0020	194624-W4-0070A-0070
244623-W3-00007-0000	244623-W3-00202-0130	244623-W3-00208-0100	244623-W3-02800-0030	194624-W4-0070B-001A
244623-W3-00008-0000	244623-W3-00202-0180	244623-W3-00300-000A	244623-W3-02800-0040	194624-W4-0070B-001B
244623-W3-00009-0000	244623-W3-00202-0190	244623-W3-0030A-0010	244623-W3-02800-0050	194624-W4-0070B-004A
244623-W3-00011-0000	244623-W3-00203-0010	244623-W3-0030A-0020	244623-W3-02800-00CE	194624-W4-0070B-005A
244623-W3-00013-0000	244623-W3-00203-0020	244623-W3-0030A-0030	244623-W3-02800-3010	194624-W4-0070B-0070
244623-W3-00014-0000	244623-W3-00203-0090	244623-W3-0030B-0010	194624-W4-00400-000A	194624-W4-0070B-0080
244623-W3-00015-0000	244623-W3-00203-0100	244623-W3-0030B-0020	194624-W4-00402-0010	194624-W4-0070B-0090
244623-W3-00016-0000	244623-W3-00203-014A	244623-W3-00500-000A	194624-W4-00402-001A	194624-W4-0070B-010B
244623-W3-00017-0000	244623-W3-00203-014B	244623-W3-0050A-0010	194624-W4-00405-0000	194624-W4-0070B-0110
244623-W3-00018-0000	244623-W3-00203-0150	244623-W3-0050A-0030	194624-W4-00600-000A	194624-W4-0070C-0010
244623-W3-00021-0000	244623-W3-00203-0190	244623-W3-0050A-0080	194624-W4-0060B-0100	194624-W4-0070C-0020
244623-W3-00022-0000	244623-W3-00204-0010	244623-W3-0050A-0100	194624-W4-0060B-0120	194624-W4-0070C-0050
244623-W3-00023-0000	244623-W3-00204-0030	244623-W3-0050A-0130	194624-W4-0060B-0130	194624-W4-0070C-0070
244623-W3-00024-0000	244623-W3-00205-0060	244623-W3-0050A-0140	194624-W4-0060B-0140	194624-W4-0070C-0090
244623-W3-00026-0030	244623-W3-00205-0070	244623-W3-0050A-016A	194624-W4-0060B-0150	194624-W4-0070C-0100
244623-W3-00200-000A	244623-W3-00206-0010	244623-W3-0050A-018A	194624-W4-0060B-0160	194624-W4-0070C-0110
244623-W3-00201-0010	244623-W3-00206-0050	244623-W3-0050A-018B	194624-W4-0060H-026A	194624-W4-0070D-001A
244623-W3-00201-0030	244623-W3-00206-0060	244623-W3-0050A-0200	194624-W4-0060H-0280	194624-W4-0070D-001B
244623-W3-00201-0070	244623-W3-00207-0000	244623-W3-0050A-0230	194624-W4-0060H-0300	194624-W4-0070D-0020
244623-W3-00202-0010	244623-W3-00208-0010	244623-W3-0050B-0010	194624-W4-00700-000A	194624-W4-0070D-0050
244623-W3-00202-0020	244623-W3-00208-002A	244623-W3-0050B-0030	194624-W4-0070A-0010	194624-W4-0070D-0100
244623-W3-00202-0030	244623-W3-00208-0040	244623-W3-02500-000A	194624-W4-0070A-0020	194624-W4-0070D-0110

194624-W4-0070F-0010	194624-W4-0150E-001A	194624-W4-02200-3030	194624-W4-02200-6030	194624-W4-02600-2030
194624-W4-0070F-001A	194624-W4-0150E-0030	194624-W4-02200-3040	194624-W4-02200-6040	194624-W4-02600-2040
194624-W4-00800-000A	194624-W4-0150E-0050	194624-W4-02200-3050	194624-W4-02200-6050	194624-W4-02600-2050
194624-W4-0080A-0010	194624-W4-0150E-0060	194624-W4-02200-3060	194624-W4-02200-6060	194624-W4-02600-2060
194624-W4-0080B-0010	194624-W4-0150E-0080	194624-W4-02200-3070	194624-W4-02200-6070	194624-W4-03200-000A
194624-W4-0080C-0010	194624-W4-0150E-0090	194624-W4-02200-3080	194624-W4-02200-6080	194624-W4-03200-1010
194624-W4-0080C-0020	194624-W4-0150E-0110	194624-W4-02200-3090	194624-W4-02200-6090	194624-W4-03500-000A
194624-W4-0080C-0030	194624-W4-0150E-0120	194624-W4-02200-4000	194624-W4-022PH-00A0	194624-W4-03500-0010
194624-W4-0080C-0040	194624-W4-0150E-0130	194624-W4-02200-4010	194624-W4-022PH-00B0	194624-W4-03500-001A
194624-W4-0080C-0050	194624-W4-0150E-014B	194624-W4-02200-4020	194624-W4-022PH-00C0	194624-W4-03500-0020
194624-W4-0080C-0060	194624-W4-0150E-016A	194624-W4-02200-4030	194624-W4-022PH-00D0	194624-W4-03500-0030
194624-W4-00900-000A	194624-W4-0150E-016B	194624-W4-02200-4040	194624-W4-022PH-00E0	194624-W4-03500-0040
194624-W4-0090A-0010	194624-W4-0150E-0170	194624-W4-02200-4050	194624-W4-022PH-00F0	194624-W4-03500-0050
194624-W4-0090A0060	194624-W4-0150E-0190	194624-W4-02200-4060	194624-W4-022PH-00G0	194624-W4-03500-0060
194624-W4-0090A-0110	194624-W4-0150E-0210	194624-W4-02200-4070	194624-W4-022PH-00H0	194624-W4-03500-0070
194624-W4-0090A-011A	194624-W4-02200-000A	194624-W4-02200-4080	194624-W4-022PH-00I0	194624-W4-03500-0080
194624-W4-0090B-0020	194624-W4-02200-00CE	194624-W4-02200-4090	194624-W4-022PH-00J0	194624-W4-03500-0090
194624-W4-0090B-0080	194624-W4-02200-2000	194624-W4-02200-5000	194624-W4-02300-000A	194624-W4-03500-0100
194624-W4-0090C-0010	194624-W4-02200-2010	194624-W4-02200-5010	194624-W4-0230A-0000	194624-W4-03500-010A
194624-W4-01400-000A	194624-W4-02200-2020	194624-W4-02200-5020	194624-W4-0230B-0000	194624-W4-03500-0110
194624-W4-0140A-0010	194624-W4-02200-2030	194624-W4-02200-5030	194624-W4-0230C-0000	194624-W4-03500-0120
194624-W4-0140A-0030	194624-W4-02200-2040	194624-W4-02200-5040	194624-W4-0230D-0000	194624-W4-03500-0130
194624-W4-0140A-0060	194624-W4-02200-2050	194624-W4-02200-5050	194624-W4-0230E-0000	194624-W4-03500-0140
194624-W4-0140B-0010	194624-W4-02200-2060	194624-W4-02200-5060	194624-W4-02600-000A	194624-W4-03500-014A
194624-W4-0140B-0020	194624-W4-02200-2070	194624-W4-02200-5070	194624-W4-02600-1010	194624-W4-03500-014B
194624-W4-0140B-0040	194624-W4-02200-2080	194624-W4-02200-5080	194624-W4-02600-1040	194624-W4-03500-014C
194624-W4-0140B-0050	194624-W4-02200-2090	194624-W4-02200-5090	194624-W4-02600-1050	194624-W4-03500-014D
194624-W4-0140B-0070	194624-W4-02200-3000	194624-W4-02200-6000	194624-W4-02600-1060	194624-W4-03600-000A
194624-W4-01500-000A	194624-W4-02200-3010	194624-W4-02200-6010	194624-W4-02600-2010	194624-W4-03600-1010
194624-W4-0150E-0010	194624-W4-02200-3020	194624-W4-02200-6020	194624-W4-02600-2020	194624-W4-03600-2050