

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061218

1. ACTION REQUESTED/PURPOSE: Approve resolution relating to the delegation of powers to create and maintain a community redevelopment agency (CRA) for Old 41 in Bonita Springs.

2. WHAT ACTION ACCOMPLISHES: Improves the economic viability of the Old 41 area in Bonita Springs through a CRA by specifying projects, timelines and revenue limits.

3. MANAGEMENT RECOMMENDATION: Approve resolution.

4. Departmental Category:

AIA

5. Meeting Date: September 26, 2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
Department County Administration
Division _____
By: Donald Stilwell, Co. Manager

9. Background: At the request of the City of Bonita Springs, Lee County has participated in facilitating this resolution for the Board's approval. The Bonita Springs City Council has not yet voted on this resolution. This resolution only includes a preliminary CRA boundary and project cost projections. Any changes in the proposed boundary or cost projections will be presented to the Board at a later date.

Attachments:

- 1. Resolution
- 2. Proposed CRA Boundary Map
- 3. Project Cost Projections

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i> 9/14/06	<i>[Signature]</i> 9/14/06	<i>[Signature]</i> 9/14/06	<i>[Signature]</i> 9/14/06	<i>[Signature]</i> 9-14-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
Date: 9/14/06
Time: 4:30pm
Forwarded To: Budget
9/14/06 4:30pm

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA RELATING TO THE DELEGATION OF POWERS TO CREATE AND MAINTAIN A COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; AUTHORIZING THE CREATION OF THE CITY OF BONITA SPRINGS OLD 41 COMMUNITY REDEVELOPMENT AGENCY; DELEGATING CERTAIN POWERS TO THE CITY OF BONITA SPRINGS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida law empowers municipalities and counties to create a Community Redevelopment Agency, improve blighted and slum areas within the community and to alleviate these conditions within said areas;

WHEREAS, Part III, Chapter 163, Florida Statutes, sets forth a procedure for the creation and operation of a Community Redevelopment Agency;

WHEREAS, §163.410, Florida Statutes, which is a part of Part III, Chapter 163, Florida Statutes, states in pertinent part that:

Exercise of power in counties with home rule charters. – IN any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of any such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.

WHEREAS, effective January 1, 1995, Lee County became a charter county in the State of Florida;

WHEREAS, the City Council of the City of Bonita Springs, Florida (hereinafter the "CITY") has requested that the Board of County Commissioners of Lee County (hereinafter the "BOARD") delegate certain powers to the City to create and operate a new Community Redevelopment Agency.

WHEREAS, said Agency is to be known as the Bonita Springs Community Redevelopment Agency;

WHEREAS, the general boundaries of the aforesaid Community Redevelopment Agency, is generally described as being within the municipal boundaries of the City of Bonita Springs, as depicted on Exhibit "A", a copy of which is attached hereto and incorporated herein by this reference;

WHEREAS, the Board has reviewed the request of the City to delegate redevelopment powers provided for in Part III, Chapter 163, Florida Statutes, including the power to create the Bonita Springs Community Redevelopment Agency;

WHEREAS, the Board finds that the delegation of said powers to create and operate the Bonita Springs Community Redevelopment Agency will promote the public health, safety, welfare, economic order, and aesthetic of the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida:

SECTION 1. Pursuant to Florida Statutes §163.410, and subject to the conditions set forth below, the Board hereby delegates all powers under part III, Chapter 163, Florida Statutes, to the City to create, operate, and maintain the Bonita Springs Community Redevelopment Agency within the boundaries set forth above, subject to those limitations noted specifically below:

- (a) The power to modify the boundaries of the Bonita Springs Old 41 Community Redevelopment area is retained by the Board.
- (b) The Board retains the power to approve activities undertaken and carried out within the community redevelopment area. At this time, the Board approves two projects identified within the "Old U.S. 41 Corridor Redevelopment Master Plan:"
 - (1) "Stormwater Infrastructure; and,
 - (2) "Street Network Improvements."

These specific projects are approved subject to each project remaining within ten percent (10%) of each project's anticipated cost as detailed in the RMPK Group's memorandum of February 5, 2006. Any variation in costs exceeding ten percent (10%) shall require the Agency to petition the Board for further approval prior to any financial commitment if the City requires further tax incremental funding.

- (c) To the extent any future projects are contemplated as necessary to ~~fulfill the community development agency's plan to alleviate blighted~~ conditions shall include only those projects that shall be accomplished within specific time-frames as to conception, design, execution and construction to completion; and, any such projects shall be accomplished within a budget specific to that project.
- (d) Unless extended by resolution of the Board, 1) the delegation of authority provided for in this resolution shall expire after 15 years from the date of creation of the Community Redevelopment Agency, and 2) any redevelopment agency created by the City shall cease to exist as a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes, after 15 years from the date of this resolution.

SECTION 2. Severability Clause. In the event that any term, provision, clause, sentence or section of this Resolution shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 3. Resolutions in Conflict. All resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This Resolution shall become effective upon its adoption by the Board of County Commissioners of Lee County, Florida.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____, and seconded by Commissioner _____ and, upon being put a vote, the result was as follows:

BOB JANES
DOUGLAS ST. CERNY
RAY JUDAH
TAMMY HALL
JOHN ALBION

DULY PASSED AND ADOPTED this ___ day of _____, 2006.

ATTEST
CHARLIE GREEN, CLERK OF LEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

By: _____
Office of the County Attorney

Figure 1 : Base Map

