

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20061527**

**1. ACTION REQUESTED/PURPOSE:** Approve the Resolution rescinding Lee County Resolution No. 90-07-21, adopted by the Board of County Commissioners of Lee County, Florida, which defined the Community Redevelopment areas, and created the Community Redevelopment Agency.

**2. WHAT ACTION ACCOMPLISHES:** Approval by the Board of County Commissioners will dissolve the Community Redevelopment Area.

**3. MANAGEMENT RECOMMENDATION:** Approve the Resolution to rescind Lee County Resolution No. 90-07-21.

**4. Departmental Category:** 12 **C12B** **5. Meeting Date: November 28, 2006**

<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>	
	<input type="checkbox"/> Statute	<input type="checkbox"/>	<b>Commissioner</b>	
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<b>Department</b> <u>County Attorney</u>	
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	<b>Division</b> <u>General Services</u>	
<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<b>By:</b>		
		<u>Andrea R. Fraser, Chief Assistant County Attorney</u>		

**9. Background:**

On July 11, 1990, Lee County established the Lee County Community Redevelopment Agency by adopting Lee County Resolution No. 90-07-21 (Attachment 1).

In June of 1991 and September of 1992, Ordinance No. 91-17 and 92-39, respectively, were adopted by the Lee County Board of County Commissioners relating to the establishment, funding and administration of a redevelopment trust fund.

In April of 2000, the Board adopted Ordinance No. 00-06, which repealed Ordinances No. 91-17 and 92-39, respectively, provided for the repeal of the fund and provided exceptions for the funding of certain community redevelopment area projects.

As of October 1, 2006, no Community Redevelopment Agency district budgets or funds exist.

A resolution adopted by the Board of County Commissioners would dissolve the agency and will suffice in negating the need to pay the fee to the Department of Community Affairs.

ATTACHMENT: Resolution Rescinding Resolution No. 90-07-21

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
				<i>K. Miller</i>	<i>RK n/15</i>	<i>11/15/06</i>	<i>11/15/06</i>	<i>11/15/06</i>	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: *ZL*  
11-15-06  
8:40 - *ml.*  
COUNTY ADMIN  
FORWARDED TO: *11*  
11-16-06  
*3pm*

CO. ATTY.  
FORWARDED  
TO *11/17/06*  
11-17-06

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, RESCINDING RESOLUTION NO. 90-07-21 DEFINING THE COMMUNITY REDEVELOPMENT AREAS AND CREATING THE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and

**WHEREAS**, the Board of County Commissioners of Lee County, Florida, by Resolution No. 90-07-21 defined the Community Redevelopment Areas and established the Community Redevelopment Agency; and

**WHEREAS**, in 1991 and 1992 Ordinances No. 91-17 and 92-39, respectively, were adopted by the Lee County Board of County Commissioners relating to the establishment, funding and administration of a redevelopment trust fund; and

**WHEREAS**, as of October 1, 2006, no community redevelopment area district budget or funds exist; and

**WHEREAS**, the Florida Department of Community Affairs (DCA) charges the County an annual Special District Fee of One Hundred Seventy-Five and 00/100 Dollars (\$175.00) in accordance within Florida Statutes, Section 189; and

**WHEREAS**, this action is necessary in order to avoid future obligations to DCA.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY**, that Resolution No. 90-07-21, creating the Community Redevelopment Agency is hereby rescinded effective immediately.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing resolution,  
seconded by Commissioner \_\_\_\_\_. The vote was as follows:

BOB JANES	_____
A. BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANKLIN B. MANN	_____

DULY PASSED AND ADOPTED THIS 28th day of November, 2006.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

ATTACHMENT 1

695

RESOLUTION NO. 90-07-21

A RESOLUTION OF THE COUNTY OF LEE, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; DEFINING THE COMMUNITY REDEVELOPMENT AREAS; FINDING THE EXISTENCE OF BLIGHTED CONDITIONS IN THE AREAS; MAKING CERTAIN FINDINGS AND DETERMINATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of the County of Lee, Florida, finds the existence of certain blighted areas within the boundaries of the Lee County Community Redevelopment Areas ("the Areas"), and determines that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Areas by a redevelopment agency is necessary in the best interests of the public health, safety, morals, or welfare of the residents and citizens of the County of Lee; and

WHEREAS, these Areas are referred to as Bonita Springs, Charleston Park, Dunbar, Estero Island, Harlem Heights, Matlacha, North Fort Myers, Page Park, Pine Manor, San Carlos Island, and State Road 80; and

WHEREAS, the Board of County Commissioners has commissioned a study which has confirmed the findings of blight; and

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

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

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

WHEREAS, there are unsafe and unsanitary conditions within the Areas; and

WHEREAS, there is deterioration of site and other improvements within the Areas; and

WHEREAS, there exists faulty or inadequate street layout within the Areas; and

WHEREAS, there exists public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction within the Areas; and

7-11-90  
J. J. O. A.

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEE, FLORIDA:

**SECTION ONE.** The County Commission, based upon evidence presented to it and in the public record does hereby expressly find that blighted areas as defined in Section 163.340(8), Florida Statutes, exist within the community redevelopment areas as defined in Section 163.340(10), Florida Statutes, as described in Exhibit A (legal descriptions of the eleven areas), attached hereto.

**SECTION TWO.** For the purpose of this resolution and any community redevelopment project undertaken pursuant hereto, the community development areas shall be those areas more particularly described in Exhibit A, attached hereto.

**SECTION THREE.** The County Commission does hereby expressly find that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Areas described in Section Two are necessary in the interest of the public health, safety, morals or welfare of the residents of the County of Lee.

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

**SECTION FIVE.** This resolution shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 11th day of July, 1990.

607

THE FOREGOING RESOLUTION was offered by Commissioner Fussell who moved its adoption. The motion was seconded by Commissioner St. Cerny and, upon being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
DOUGLAS R. ST. CERNY	<u>AYE</u>
WILLIAM FUSSELL	<u>AYE</u>
DONALD SLISHER	<u>AYE</u>
RAY JUDAH	<u>AYE</u>

DONE AND ADOPTED this 11th day of July, 1990

ATTEST  
CHARLIE GREEN, CLERK

BY: [Signature]  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature] Chairman

APPROVED AS TO FORM:

BY: [Signature]  
County Attorney's Office