

PROPOSED  
ORDINANCE NO. 16-05

ORDINANCE NO. 16-05

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE  
FUNDING OF A REDEVELOPMENT TRUST FUND FOR THE  
EASTSIDE NEIGHBORHOOD OF THE CITY OF PENSACOLA;  
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. FINDINGS.

A. On September 25, 1980, the City Council of the City of Pensacola (hereinafter called the City Council) adopted Resolution No. 54-80 by which it found and declared that there existed in the City of Pensacola a blighted area more particularly described therein; that the rehabilitation, conservation or redevelopment or combination thereof of said blighted area was necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Pensacola to eliminate, remedy and prevent conditions of slums and blight; that said blighted area was appropriate for community redevelopment projects pursuant to Chapter 163, Part III, Florida Statutes, and reaffirmed said findings by Resolution on October 22, 1981.

B. On October 26, 2000, City Council adopted Ordinance No. 46-00 amending the Comprehensive Plan and designated the boundaries of the Urban Infill and Redevelopment Area pursuant to Chapter 163, Part II, Florida Statutes, which area is wholly situated within the boundaries of the area found to be a blighted area. City Council approved Ordinance No. 47-00 adopting the Urban Infill and Redevelopment Area Plan which identified projects for the purpose of targeting one or more of the following: economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment.

C. Section 163.2520, Florida Statutes, provides that a local government with an adopted Urban Infill and Redevelopment

Plan may employ tax increment financing under Section 163.387, Florida Statutes, and may also issue revenue bonds under Section 163.385, Florida Statutes, for the purpose of financing the implementation of the plan.

D. In February 2004, City Council adopted the Eastside Neighborhood Plan identifying redevelopment activities to be undertaken in the area. The Eastside Neighborhood is located within the Urban Infill and Redevelopment Area boundaries.

E. On October 13, 2005, the City Council incorporated the Eastside Neighborhood Plan into and made it a part of the Urban Infill and Redevelopment Area Plan.

F. The statistical findings and indicators of blight provided in the *Eastside Neighborhood Finding of Blight Report*, incorporated herein by reference, provide substantial evidence supporting the Eastside Neighborhood as a blighted area.

G. The City Council now declares the Eastside Neighborhood a blighted area on the basis of the substantial evidence provided by said *Eastside Neighborhood Finding of Blight Report*.

## SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority granted by Sections 163.2511-163.2526 and 163.387, Florida Statutes, (hereinafter the "Act") and other applicable provisions of law.

## SECTION 3. ESTABLISHMENT OF REDEVELOPMENT TRUST FUND.

A. There is hereby established pursuant to the Act a Redevelopment Trust Fund for the Eastside Neighborhood of the City of Pensacola to be known as the "Eastside Neighborhood Redevelopment Trust Fund." Funds allocated to and deposited in this fund shall be used for the purpose of financing the implementation of the Urban Infill and Redevelopment Plan, as amended, within the Eastside Neighborhood.

## SECTION 4. FUNDING OF REDEVELOPMENT TRUST FUND.

A. Pursuant to the Act, the annual funding of the Eastside Neighborhood Redevelopment Trust Fund shall be in an amount not less than that increment in the income, proceeds, revenues and funds of the City of Pensacola derived from or held in connection with its undertaking and carrying out of redevelopment projects pursuant to Part II. Such increment shall be determined annually

and shall be that amount equal to ninety-five percent (95%) of the difference between:

1. the amount of ad valorem taxes levied each year by all taxing authorities except school districts and water management districts on taxable real property contained within the geographic boundaries of the Eastside Neighborhood; and
2. 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 all taxing authorities except school districts and water management districts upon the total of the assessed value of the taxable real property in the Eastside Neighborhood as shown on the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this ordinance.

B. Commencing on January 1, 2006 and for each of nineteen (19) years thereafter, each taxing authority except school districts and water management districts shall annually appropriate and pay on or before April 1 to the Eastside Neighborhood Redevelopment Trust Fund a sum which is no less than the increment of ad valorem tax revenues as defined and determined in paragraph A 1. and 2. above. Provided, however, the City Council may by resolution adopted during calendar year 2015 terminate this obligation for future years.

C. The obligation of the City Council to fund the Eastside Neighborhood Redevelopment Trust Fund annually shall continue until all loans, advances, indebtedness, if any, and interest thereon incurred as a result of a community redevelopment project have been paid, but only to the extent that the tax increment described in this section accrues. The City Council covenants that so long as its obligation to fund the Eastside Neighborhood Redevelopment Trust Fund continues, it shall take all necessary action to enforce the performance of the obligation of each taxing authority except the school districts and water management districts to make the annual appropriations required by paragraph B. Provided, however, the obligation of the City Council to fund the Redevelopment Trust Fund shall not be construed to make the City of Pensacola a guarantor of the obligations of other taxing authorities under this ordinance or Section 163, Florida Statutes; nor shall it be construed to require the exercise of the taxing power of the City of Pensacola or the payment to the Eastside Neighborhood Redevelopment Trust Fund from any other

funds of the City of Pensacola except the incremental revenue provided for in paragraph A.

D. The City Council may, in its discretion, deposit such other legally available funds into the Redevelopment Trust Fund as may be described by resolutions adopted on or after the effective date of this ordinance.

E. The Eastside Neighborhood Redevelopment Trust Fund shall be maintained and administered as a separate account of the City of Pensacola and unexpended monies deposited therein shall be invested, subject to such direction as may be given by resolutions of the City Council from time to time.

#### SECTION 5. DEFINITIONS.

The terms contained in this ordinance shall have the meanings set forth in Chapter 163, Florida Statutes. "Eastside Neighborhood" shall mean that area in the City of Pensacola, Escambia County, Florida more particularly described as follows:

Commence at the intersection of the southerly right-of-way line of Cervantes Street and the westerly right-of-way line of Hayne Street for the Point of Beginning; thence northerly along the westerly right-of-way line of Hayne Street to the southerly right-of-way line of Cross Street; thence northerly along the City limit line to the northerly right-of-way line of Baars Street; thence easterly along the northerly right-of-way line of Baars Street to the easterly right-of-way line of 6<sup>th</sup> Avenue; thence southerly along the easterly right-of-way line of 6<sup>th</sup> Avenue to the northerly right-of-way line of Mallory Street; thence easterly along the northerly right-of-way line of Mallory Street to the easterly right-of-way line of 8<sup>th</sup> Avenue; thence southerly along the easterly right-of-way line of 8<sup>th</sup> Avenue to the northerly right-of-way line of Lee Street; thence easterly along the northerly right-of-way line of Lee Street to the westerly right-of-way line of 9<sup>th</sup> Avenue; thence southerly along the westerly right-of-way line of 9<sup>th</sup> Avenue to the southerly right-of-way line of Cervantes Street; thence westerly along the southerly right-of-way line of Cervantes Street to the Point of Beginning.

#### SECTION 6. SEVERABILITY.

If any section of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the

validity of any other provision and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 7. REPEAL OF INCONSISTENT ORDINANCES.

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

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its passage by the City Council.

Passed: October 27, 2005

Approved: s/J. R. Fogg  
Mayor

Attest:

s/Shirley F. White

City Clerk

Legal in form and valid if enacted:


s/Don J. Caton

City Attorney

# CITY COUNCIL MEMORANDUM

ITEM 12-B

**TO:** Mayor and City Council

**FROM:** Thomas J. Bonfield, City Manager 

**DATE:** October 27, 2005

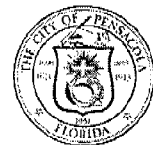
**SUBJECT:** Proposed Ordinance No. 16-05

**RECOMMENDATION:** That City Council approve Proposed Ordinance No. 16-05 on second reading.

**SUMMARY:** On June 17, 2004, City Council authorized staff to initiate the process required for creation of a Tax Increment Financing (TIF) District in the Eastside neighborhood and for the establishment of an Eastside Redevelopment Trust Fund. Chapter 163.2520 of the Florida Statutes provides that a local government with an adopted Urban Infill and Redevelopment Plan (UIRAP) may employ tax increment financing for the purpose of financing implementation of the plan. Incorporation by City Council of the Eastside Neighborhood Plan into the Urban Infill and Redevelopment Area Plan makes the activities and recommendations of the Eastside Neighborhood Plan eligible for TIF funding. Specific projects approved under the Eastside Neighborhood Plan which could be funded with TIF revenues include, but are not limited to, neighborhood streetscape improvements, design and construction of neighborhood gateway enhancements, construction of traffic calming features, enhancement of Central Park and the I-110 Farmers' Market site and lot acquisition for infill construction. Section 163.387 of the Florida Statutes stipulates that no increment revenues may be received or spent unless and until the governing body has, by ordinance, provided for the funding of a redevelopment trust fund. The proposed Ordinance is attached for consideration and adoption by City Council.

**PRIOR ACTION:** October 13, 2005, City Council approved Proposed Ordinance No. 16-05 on first reading.

City of  
Pensacola



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Mayor and City Council  
Proposed Ordinance  
October 27, 2005  
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**CURRENT ACTION:**

**FUNDING:** None required.

**ATTACHMENTS:** Proposed Ordinance No. 16-05

**STAFF CONTACT:** Kevin A. Cowper, Community Development Director.

**PRESENTATION:** No.

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Kay Chastain, who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of :

**NOTICE OF PROPOSED ORDINANCES**

Was published in said newspaper in the issue(s) of:

**OCTOBER 2, 2005**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says the she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 11TH day of OCTOBER, 2005, by Kay Chastain who is personally known to me.

Kay Chastain Affiant

Nikki E. Nichols Notary Public

**NIKKI E. NICHOLS**  
Notary Public-State of FL  
Comm. Exp. Aug. 01, 2009  
Comm. No. DD 427341

**NOTICE OF PROPOSED ORDINANCES**

Please be advised that Proposed Ordinance No. 15-05 and Proposed Ordinance No. 16-05 will be presented to the City Council of the City of Pensacola for the first reading on Thursday, October 13, 2005, at 7:00 p.m. and will be presented for final reading and adoption on Thursday, October 27, 2005, at 7:00 p.m. in the Council Chambers on the First Floor of City Hall, 180 Governmental Center, Pensacola, Florida. The titles of the proposed ordinances are as follows:

P.O. #15-05:  
**AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR THE EASTSIDE NEIGHBORHOOD OF THE CITY OF PENSACOLA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE**

P.O. #16-05:  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PENSACOLA AMENDING AND READOPTING THE URBAN INFILL AND REDEVELOPMENT PLAN; INCORPORATING THEREIN THE EASTSIDE NEIGHBORHOOD PLAN; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE**

A copy of the proposed ordinances may be inspected by the public in the City Clerk's office located in the Fire Administration Building, 475 E. Strong Street, Pensacola, Florida. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans With Disabilities Act and will make reasonable modifications for access to city services, programs and activities. Please call 435-1606 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the city time to provide the requested services.

**CITY OF PENSACOLA, FLORIDA**

By: Shirley F. White, City Clerk

Visit [www.ci.pensacola.fl.us](http://www.ci.pensacola.fl.us) to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. 68387

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October 2, 2005



**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **GLENDA NALL**, who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of :

**NOTICE OF PROPOSED ORDINANCES**

Was published in said newspaper in the issue(s) of:

**OCTOBER 16, 2005**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 19 day of **OCTOBER**, 2005, by **GLENDA NALL** who is personally known to me.

Glenda Nall Affiant

Evelyn A. Mitchell Notary Public

**EVELYN A. MITCHELL**  
Notary Public - State of FL  
Comm. Exp. Aug. 1, 2008  
Comm. No. DD 342640

**NOTICE OF PROPOSED ORDINANCES**

Please be advised that Proposed Ordinances Nos. 15-05 and 16-05 were presented to the City Council of the City of Pensacola for the first reading on Thursday, October 13, 2005, and will be presented for final reading and adoption on Thursday, October 27, 2005, at 7:00 p.m., in the Council Chambers on the First Floor of City Hall, 605 Governmental Center, Pensacola, Florida.

The titles of the proposed ordinances are as follows:  
**P.O. #15-05: AN ORDINANCE AMENDING AND READOPTING THE URBAN INFILL AND REDEVELOPMENT PLAN AND MAPS THEREIN, THE EASTSIDE NEIGHBORHOOD PLAN, AND REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**  
**P.O. #16-05: AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR THE EASTSIDE NEIGHBORHOOD PLAN AND REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

A copy of the proposed ordinances may be inspected by the public in the City Clerk's Office located in the Fire Administration Building, 475 E. Strong Street, Pensacola, Florida. Interested parties may appear at the Council meeting and be heard in respect to the proposed ordinances.

Final action on the proposed ordinances will be taken at the Council meeting held on Thursday, October 27, 2005, at 7:00 p.m. in the Council Chambers. Any person who wishes to be considered at this meeting or public hearing, such person may need to insure that a verbal record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans With Disabilities Act and will make the City of Pensacola accessible to persons with disabilities. Requests should be made at 435-1603 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the city time to provide the requested services.

**CITY OF PENSACOLA, FLORIDA**  
By: Shirley F. White, City Clerk

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Legal No. 68437

Oct. 16, 2005

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