

ORDINANCE NO. 23-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE RELATED TO COMMUNITY REDEVELOPMENT; ESTABLISHING A REDEVELOPMENT TRUST FUND FOR THE CAPE CANAVERAL COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATION OF THE TAX INCREMENT BY CERTAIN TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, on August 21, 2012, the Cape Canaveral City Council adopted Resolution No. 2012-16 finding that one or more blighted areas exist within the City of Cape Canaveral and that 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; and

WHEREAS, Resolution No. 2012-16 created the Cape Canaveral Community Redevelopment Agency to carry out the redevelopment purposes specified in Chapter 163, Part III, Florida Statutes, within the redevelopment area legally described in that Resolution; and

WHEREAS, on December 18, 2012, the City Council adopted the Cape Canaveral Redevelopment Plan pursuant to applicable law and the County's delegation of authority set forth

in Brevard County Resolution No. 2012-174; and

WHEREAS, in order to plan and implement community redevelopment within the Community Redevelopment Area, it is necessary that a redevelopment trust fund be established and created for said area as provided in section 163.387, Florida Statutes; and

WHEREAS, notice of the City of Cape Canaveral's intent to create a redevelopment trust fund has been given to all taxing authorities consistent with the requirements of section 163.346, Florida Statutes; and

WHEREAS, the City Council of the City of Cape Canaveral, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cape Canaveral.

BE IT ORDAINED by the City Council of the City of Cape Canaveral, Brevard County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of Cape Canaveral.

Section 2. Code Amendment. Chapter 22, Community Development, of the Code of Ordinances, City of Cape Canaveral, Florida, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from this Ordinance of text existing in Chapter 22. It is intended that the text in Chapter 22 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

CHAPTER 22. COMMUNITY DEVELOPMENT

* * *

ARTICLE IV. COMMUNITY REDEVELOPMENT

Sec. 22-50. Redevelopment Trust Fund.

In accordance with the provisions of the Community Redevelopment Act of 1969, Part III of Chapter 163, Florida Statutes ("the Act"), there is hereby created a Community Redevelopment Trust Fund ("Fund"), which Fund shall be utilized and expended for the purposes of and in accordance with the Cape Canaveral Community Redevelopment Plan ("Plan"), including any amendments or modifications thereto approved pursuant to applicable law and pursuant to the County's delegation of authority set forth in Brevard County Resolution No. 2012-174, as may be amended.

(a) The funds to be allocated to and deposited into the Fund shall be used to finance community redevelopment within the Community Redevelopment Area ("Area") according to tax increment revenues attributed to the Community Redevelopment Area, which shall be appropriated by the Cape Canaveral Community Redevelopment Agency ("Agency"). The Agency shall utilize the funds and revenues paid into and earned by the Fund for community redevelopment purposes as provided in the Plan and as permitted by law. The Fund shall exist for the duration of the community redevelopment undertaken by the Agency pursuant to the Plan to the extent permitted by the Act. Funds shall be held in the Fund by the City of Cape Canaveral and on behalf of the Agency, and disbursed from the Fund as provided by the Agency.

(b) There shall be paid into the fund each year by all taxing authorities within the Area, the incremental increase in ad valorem taxes levied each year by those taxing authorities, as calculated in accordance with this Ordinance and section 163.387, Florida Statutes, based upon the 2012 tax year as set forth herein.

(c) The most recent assessment roll used in connection with the taxation of property prior to the effective date of this Ordinance shall be the preliminary assessment roll of taxable real property in Brevard County, Florida, prepared by the Property Appraiser of Brevard County, Florida, and filed with the Department of Revenue pursuant to section 193.1142, Florida Statutes, reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 2012 ("base year value"), and all deposits into the Fund shall be in the amount of tax increment calculated as provided herein based upon increases in valuation of taxable real property from the base year value.

(d) All taxing authorities, except as otherwise exempt by law, shall annually appropriate to and cause to be deposited in the Fund the tax increment determined pursuant to the Act and this Ordinance at the beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the Fund shall commence immediately upon the effective date of this Ordinance and continue to the extent permitted by the Act so long as any indebtedness pledging "increment revenue" have been paid.

(e) The tax increment shall be determined and appropriated annually by each taxing authority required to pay monies to the Fund, and shall be an amount equal to ninety-five percent (95%) of the difference between:

(1) That amount of ad valorem taxes levied each year by each taxing authority, exclusive of any debt service millage, on taxable real property contained within the geographic boundaries of the Community Redevelopment Area; and

(2) That 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 this Ordinance.

(F) The funds shall be established and maintained as a separate trust fund by the Agency so that the Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its statutory purpose pursuant to the Plan.

(G) The governing body of the Agency shall be the trustees of the Fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investments and proper application of all monies paid into the Fund.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation Into Code. This Ordinance and all Exhibits hereto shall be incorporated into the Cape Canaveral City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective upon adoption by the City Council of the City of Cape Canaveral, Florida and upon the Cape Canaveral Redevelopment Plan receiving final approval by the City Council and such approval being confirmed by a vote of the Brevard County Board of County Commissioners consistent with its delegation of authority set forth in Brevard County Resolution No. 2012-174.

[EXECUTION PAGE FOLLOWS]

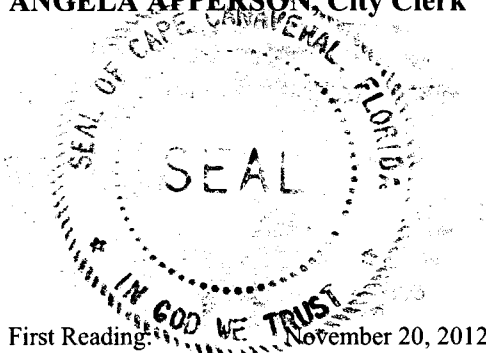
ADOPTED by the City Council of the City of Cape Canaveral, Florida, this 18th day of December, 2012.

Rocky Randels

Rocky Randels, Mayor

ATTEST:

Angela Apperson
ANGELA APPERSON, City Clerk



First Reading: November 20, 2012
Legal Ad published: November 29, 2012
Second Reading: December 18, 2012

Approved as to legal form and sufficiency
for the City of Cape Canaveral only by:

Anthony A. Garganese
ANTHONY A. GARGANESE, City Attorney

	For	Against
John Bond	<u>X</u>	_____
Bob Hoog	<u>X</u>	_____
Buzz Petsos	<u>Motion</u>	_____
Rocky Randels	<u>X</u>	_____
Betty Walsh	<u>Second</u>	_____