

ORDINANCE NO. 837

ORDINANCE NO. 837, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE SATELLITE BEACH COMMUNITY REDEVELOPMENT AGENCY AND COMMUNITY REDEVELOPMENT; MAKING FINDINGS; CREATING NEW CHAPTER 59, SATELLITE BEACH CITY CODE; ENTITLED AND CREATING A TRUST FUND AND OPERATING PROVISIONS; PROVIDING FOR TAX INCREMENT REVENUES; PROVIDING FOR THE REPEAL OF CERTAIN INCONSISTENT ORDINANCES OR RESOLUTIONS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 163.410, Florida Statutes, the Brevard County Board of County Commissioners adopted Resolution No. 02-136 on May 21, 2002, which resolution delegated to the City Council of the City of Satellite Beach the authority to create and operate a Community Redevelopment Agency, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, pursuant to the authority delegated to the City Council of City of Satellite Beach, the City Council adopted Resolution No. 755 on June 12, 2002, which created a Community Redevelopment Agency pursuant to Section 163.357, Florida Statutes (2002); and

WHEREAS, pursuant to Ordinance No. 836, the City Council of the City of Satellite Beach established the membership, powers, and method of operation for the Community Redevelopment Agency and adopted a Community Redevelopment Plan for the Community Redevelopment Area; and

WHEREAS, it is the intent of the City Council to provide for the creation of a trust fund pursuant to Section 163.387, Florida Statutes (2002), to fund the operation of the Community Redevelopment Agency and the projects provided for in the Community Redevelopment Plan for the Community Redevelopment Area; and

WHEREAS, the City's Local Planning Agency has reviewed this ordinance and found same to be consistent with the City of Satellite Beach Comprehensive Plan; and

WHEREAS, the City Council finds that this ordinance is consistent with and promotes the goals, policies, and objectives of the city's Comprehensive Plan, and will promote the public health, safety, welfare, economic order, convenience, and aesthetics of the city and its residents, this ordinance is adopted pursuant to the authority vested in the City Council, *inter alia*, by Brevard County Resolution No. 02-136; Part III, Chapter 163, Florida Statutes (2002); the City of Satellite Beach City Charter and Code; and the city's home rule powers.

BE IT ENACTED BY THE CITY OF SATELLITE BEACH, FLORIDA:

SECTION 1. Section 59-1 of the City Code of Satellite Beach, Florida, is hereby created to read as follows:

Sec. 59-1. Redevelopment trust fund created.

- (a) *Establishment of Trust Fund.* There is hereby created the Community Redevelopment Agency Trust Fund for the purpose of accepting and disbursing increment revenues, fees, appropriations, gifts, grants, and awards of monies made to the agency, for the purpose of funding redevelopment projects as contemplated by the Community Redevelopment Plan and administrative expenses in pursuit thereof.
- (b) *Term of existence.* The trust fund shall be self-perpetuating and sustaining from year to year, unless specifically terminated by the city council, subject to the provisions of Resolution No. 02-136, Brevard County, Florida, as amended from time to time.
- (c) *Trust assets.* All trust assets shall be allocated, extended, utilized and disbursed in accordance with Part III, Chapter 163, Florida Statutes.
- (d) *Trust funding.* Each taxing authority operating within the community redevelopment area, with the exception of a school district; any special district that levies ad valorem taxes in more than one county and created prior to July 1, 1993; any special district the sole available source of revenue on *June 26, 2002*, of which is an ad valorem tax; a library district; a neighborhood improvement district created pursuant to Section 163.501 *et seq.*, Florida Statutes, as amended from time to time; a metropolitan transit authority; the St. Johns River Water Management District; or any special district excluded by the city council pursuant to the act, shall annually appropriate to the trust fund herein created a sum which is equal to 95 percent of the difference between:
 - (1) The amount of *ad valorem* taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the community redevelopment area; 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 each taxing authority, exclusive of any amount from 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 *June 26, 2002*.
- (e) *Disbursal of assets.* No funds shall be disbursed from the trust fund, unless approved by the board. The trust funds shall be utilized in accordance with the provisions of the act, and in accordance with community redevelopment plan.

SECTION 2. Severability/Interpretation Clause.

- (a) It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

- (b) In interpreting the provisions of this ordinance, underlined words (except ordinance section numbers) indicate additions to existing text and words ~~stricken through~~ are deletions from existing text.

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


SECTION 4. This ordinance shall become effective immediately upon adoption in accordance with the Charter of the City of Satellite Beach.

SECTION 5. This ordinance was passed on first reading at a regular meeting of the City Council on the 12th day of June, 2002, and adopted on the second and final reading at a regular meeting of the City Council on the 26th day of June, 2002.



Bob Bolin, Mayor

ATTEST:



Barbara Boyens, CMC, City Clerk