

ORDINANCE NO. 1995-42

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; ESTABLISHING A REDEVELOPMENT TRUST FUND FOR EASTPORT BUSINESS CENTER COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR USE OF THE FUNDS IN THE REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; PROVIDING FOR ANNUAL APPROPRIATION OF THE TAX INCREMENT BY EACH TAXING AUTHORITY IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 95-7 adopted on February 28, 1995, the City Council of the City of Port Orange, Florida, determined a that blighted area exists within the City of Port Orange, and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Port Orange; and

WHEREAS, pursuant to Resolution No. 95-7 adopted on February 28, 1995, the City Council of the City of Port Orange, Florida, found that there is a need for a community redevelopment agency to function in the City of Port Orange to carry out the redevelopment purposes of Chapter 163, Part III, Florida Statutes; and

WHEREAS, pursuant to Resolution No. 95-23 adopted on May 16, 1995, the City Council of the City of Port Orange, Florida, declared itself to be the community redevelopment agency (the

"Agency") of the community redevelopment area for Eastport Business Center, and provided for the appointment of two (2) additional members of said agency; and

WHEREAS, pursuant to Ordinance No. 1995-41, adopted on December 19, 1995, the City Council of the City of Port Orange, Florida, adopted a community redevelopment plan (the "Plan") for the Eastport Business Center community redevelopment area, as fully described in said ordinance and in Exhibit "A" attached hereto and made a part hereof (the "Community Redevelopment Area"); 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 (the "Act"); and

WHEREAS, public notice has been provided and notices have been mailed by registered mail to all taxing authorities as required by Section 163.346, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. There is hereby established and created, in accordance with the provisions of the Act, a community redevelopment trust fund (the "Trust Fund") for the Community Redevelopment Area. The Trust Fund shall be utilized and expended for the purposes of and in accordance with the Plan, including any amendments or modifications thereto approved by the City Council of

the City of Port Orange, to finance any community redevelopment, as defined in Section 163.340(9), Florida Statutes, under the Plan.

Section 2. The funds allocated to and deposited into the Trust Fund shall be used by the Agency to finance or refinance any community redevelopment it undertakes within the Area. The Agency shall utilize the funds and revenues paid into and earned by the Trust Fund for community redevelopment purposes as provided in the Plan and as permitted by law. The Trust Fund shall exist for the duration of any community redevelopment undertaken by the Agency pursuant to the Plan to the extent permitted by the Act.

Section 3. The annual funding of the Trust Fund shall be an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the Community Redevelopment Area, and the Agency's undertaking or carrying out of community redevelopment therein. Such increment shall be determined and appropriated annually, and shall be that amount equal to ninety-five percent (95%) of the difference between:

- a. 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
- b. 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 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.

Section 4. Each taxing authority shall, by January 1 of each year, appropriate to and cause to be deposited in the Trust Fund the tax increment determined pursuant to this ordinance. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the Trust Fund shall commence immediately upon the effective date of this ordinance and continue to the extent permitted by the Act for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding.

Section 5. The Trust Fund shall be established and maintained as a separate trust fund by the Agency so that the Trust 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.

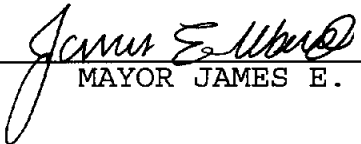
Section 6. All ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 7. If any part of this ordinance is held to be unconstitutional, invalid or unenforceable for any reason, such

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holding shall not affect the constitutionality, validity or enforceability of the remainder of this ordinance, which shall remain in full force and effect.

Section 8. This ordinance shall take effect immediately upon passage by the City Council.


MAYOR JAMES E. WARD

ATTEST:


Kenneth W. Parker, City Manager

Passed on first reading the 14th day of November, 1995

Passed and adopted on second and final reading on the 29th day of December, 1995


Reviewed and Approved: 
City Attorney

Exhibit "A"

LEGAL DESCRIPTION - EASTPORT BUSINESS CENTER

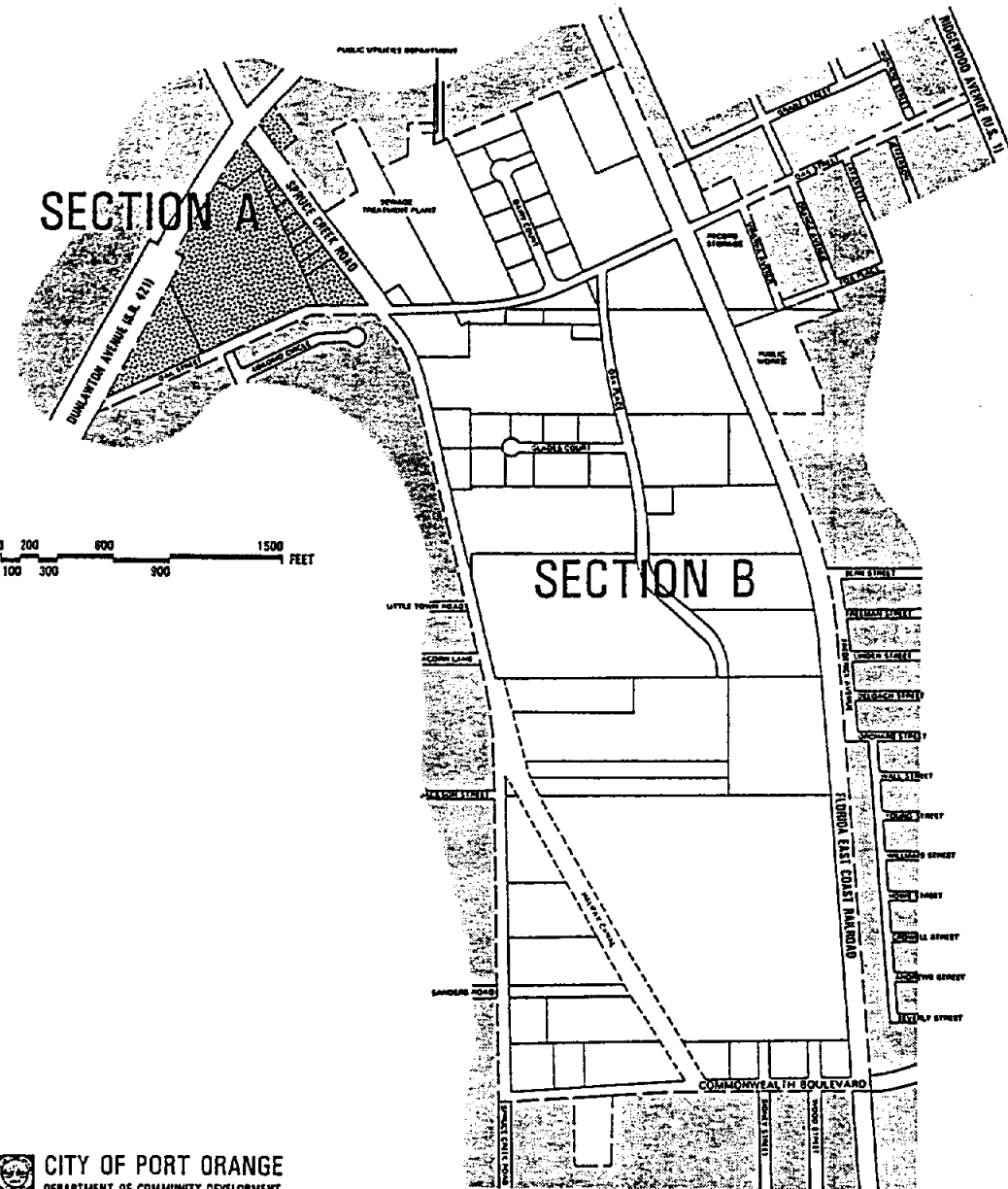
A portion of land being a part of Sections 3, 4, 9, 10 and 37, Township 16 South, Range 33 East, City of Port Orange, Volusia County, Florida, as lies within the following described boundary:

Beginning at the intersection of the easterly right-of-way line of the Florida East Coast Railroad, a 100 foot right-of-way, and the southerly right-of-way line of Commonwealth Boulevard, a 60 foot right-of-way, both as shown on Map of Depot Addition to Allandale, per Map Book 15, Page 192, Public Records of Volusia County, Florida; thence westerly, crossing said railroad right-of-way and along the southerly right-of-way line of said Commonwealth Boulevard to the easterly line of the westerly 100 feet of Lot 14, Unit No. 2, Allandale Gardens, per Map Book 9, Page 193, of said Public Records; thence southerly and along said easterly line to a point on the southerly line of said Lot 14; thence westerly and along said southerly line and along the southerly line of Lot 17 of said Unit No. 2, Allandale Gardens to the westerly line of the easterly 50 feet of said Lot 17; thence northerly along said westerly line to the said southerly line of Commonwealth Boulevard, the last described easterly, southerly and westerly lines referenced to that property described in Official Records Book 3828, Pages 3078 and 3079 of said Public Records; thence westerly along said southerly line of Commonwealth Boulevard to the westerly right-of-way line of Spruce Creek Road; thence northerly along said westerly right-of-way line a distance of 4400 feet, more or less, to the southerly right-of-way line of Oak Street; thence westerly and along said southerly right-of-way line to the southeasterly right-of-way line of Dunlawton Boulevard (S.R. 421); thence northeasterly along said southeasterly right-of-way line to the easterly line of Lot 182, Powers Subdivision, per Map Book 10, Page 138, of aforesaid Public Records; thence southerly along the easterly line of Lots 182, 183, 184 and 187, to the southeast corner of said Lot 187 and the northerly right-of-way of Dora Street, all as shown on the aforesaid plat of Powers Subdivision; thence westerly and along the said northerly right-of-way line and the southerly line of Lots 187, 186 and 185, as per aforesaid Powers Subdivision, to the easterly right-of-way of Canal View Boulevard (Spruce Creek Road), the last two described lines being the easterly and southerly boundary of Tax Parcel #6304-07-00-18-20, and being a "Reference Parcel" for drainage retention; thence southerly along the said easterly right-of-way line of Canal View Boulevard (Spruce Creek Road) to the southerly line of Lot 220, per plat of Powers Subdivision aforesaid; thence easterly along the southerly line of Lot 220 and Lot 210 of said Powers Subdivision to the westerly right-of-way of Palm Street, a 40 foot roadway; thence northerly along said westerly right-of-way line to the southerly right-of-way line of aforesaid Dora Street; thence easterly crossing Palm Street and along the southerly boundary of said Powers Subdivision to the northwest corner of Lot 3-D, Assessors Bunch Grant, as recorded in Map Book 3, Page 128 of said Public Records; thence southerly along the westerly line of said Lot 3-D to the southwest corner thereof; thence easterly along the said southerly line of Lot 3-D, also being the northerly line of Lot 1-D, said Assessors

Bunch Grant, to the southwest corner of that parcel of land described in Official Records Book 3066, Page 1559, said parcel being a portion of said Lot 3-D; thence northerly and parallel to Ruth Street, a 40 foot right-of-way, and along the westerly line of said parcel, a distance of 170.21 feet to the northerly line thereof; thence easterly along said northerly line a distance of 123.86 feet to the westerly right-of-way of said Ruth Street; thence southerly along said westerly right-of-way to the said southerly line of Lot 3-D and said northerly line of Lot 1-D; thence easterly along said southerly and northerly line and also being the southerly line of Dagwood Acres, per Map Book 25, Page 12 of said Public Records to the southeast corner of said Dagwood Acres, also being the northwest corner of Lot 106, Marshall Addition, Port Orange, per Map Book 14, Page 166 of said Public Records; thence continue easterly along the northerly line of said Lot 106 and its extension to the easterly right-of-way line of the said Florida East Coast Railroad; thence southerly along said right-of-way line to the northerly line of Lot 1-C, said Assessors Bunch Grant; thence easterly along said northerly line to the easterly line of the westerly 100 feet of said Lot 1-C; thence southerly along said easterly line to the northerly line of the southerly 130 feet of said Lot 1-C; thence easterly along said northerly line to the easterly line of the westerly 186 feet of the easterly 496 feet of said Lot 1-C; thence southerly along said easterly line to the northerly right-of-way line of Oak Street; thence easterly along said right-of-way line to the westerly right-of-way of Ridgewood Avenue (U. S. Highway 1); thence southerly along said westerly right-of-way line to the southerly line of Lot 1, Block 4, Thomas T. Allen Subdivision, per Deed Book "T", Page 415 of said Public Records; thence westerly along said southerly line to the easterly line of the westerly 112 feet of said Lot 1, Block 4; thence northerly along said easterly line to the southerly right-of-way line of Oak Street; thence westerly along said right-of-way line to the easterly right-of-way line of Virginia Avenue; thence southerly along said easterly right-of-way line and its extension, to the northerly right-of-way line of Fox Place; thence easterly along said northerly right-of-way line to the easterly line of Block "F", Virginia Heights, per Map Book 9, Page 92 of said Public Records; thence southerly along said easterly line of Block "F" to the southeast corner thereof, also being a point on the northerly line of Lot 9, Assessors Plat of Port Orange, per Map Book 3, Page 62 of said Public Records; thence along the southerly and easterly boundary of the City of Port Orange Public Works Complex the following courses and distances as described in Official Records Book 1949, Page 0213, S 67°28'30" W a distance of 229 feet, S 17°30'30" E a distance of 423.46 feet, S 0°22'30" E a distance of 88.3 feet to the south line of said Lot 9, S 89°54'30" W along said south line of Lot 9, a distance of 256.24 feet to the easterly right-of-way line of the Florida East Coast Railroad, which ends the calls referenced to Official Records Book 1949, Page 0213; thence southerly along said easterly right-of-way of the Florida East Coast Railroad to its intersection with the said southerly right-of-way line of Commonwealth Boulevard and the Point of Beginning, containing 270 acres, more or less.



EASTPORT BUSINESS CENTER



 **CITY OF PORT ORANGE**
DEPARTMENT OF COMMUNITY DEVELOPMENT

**EASTPORT BUSINESS CENTER
PLANNING AREA BOUNDARY**

Map 1-1

Eastport Business Center Right Study 8