

Legistar No. 050718

Phone: 334-5011/Fax 334-2229  
Box 46

# MEMORANDUM

## Office of the City Attorney

TO: Mayor and City Commission

DATE: DECEMBER 19, 2005

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance 0-06-04

An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410.2 by expanding the boundaries of the College Park/University Heights Community Redevelopment Area; amending Section 2-413 relating to the trust fund for the College Park/University Heights Community Redevelopment Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of November 28, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance expanding the boundaries of the College Park/University Heights Community Redevelopment Area and setting the base taxable value for the expanded area.

If this ordinance passes on first reading, second and final reading will be held on December 19, 2005.

Prepared by:



Charles L. Hauck,  
Sr. Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson,  
City Attorney

MJR/CLH:sw

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ORDINANCE NO. 0-06-04

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4       **An ordinance of the City of Gainesville, Florida, amending**  
5       **Division 9 of Chapter 2 of the Code of Ordinances of the City**  
6       **of Gainesville relating to Community Redevelopment,**  
7       **amending Section 2-410.2 by expanding the boundaries of the**  
8       **College Park/University Heights Community Redevelopment**  
9       **Area; amending Section 2-413 relating to the trust fund for the**  
10       **College Park/University Heights Community Redevelopment**  
11       **Area; providing directions to the codifier; providing a**  
12       **severability clause; providing a repealing clause; and**  
13       **providing an immediate effective date.**  
14

15       **WHEREAS**, Resolution R-94-63, adopted by the City Commission of  
16       Gainesville on September 26, 1994, first designated College Park/University Heights as  
17       an area of blight appropriate for community redevelopment and Resolution 95-3, adopted  
18       by the City Commission on February 13, 1995, approved the College Park/University  
19       Heights Community Redevelopment Plan; and

20       **WHEREAS**, Resolution No. 050067, adopted by the City Commission of the  
21       City of Gainesville on June 13, 2005, determined that a certain area (Study Area)  
22       adjacent to the College Park/University Heights Community Redevelopment Area to be a  
23       blighted area; and

24       **WHEREAS**, Resolution No. 050595, adopted by the City Commission of the  
25       City of Gainesville on November 28, 2005 approved an amended Community  
26       Redevelopment Plan for the College Park/University Heights Community  
27       Redevelopment Area, now including the Study Area; and

28       **WHEREAS**, at least 10 days notice has been given once by publication in a  
29       newspaper of general circulation notifying the public of this proposed ordinance and of a  
30       Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

31       **WHEREAS**, a Public Hearing was held pursuant to the published notice

1 described at which hearing the parties in interest and all others had an opportunity to be  
2 and were, in fact, heard;

3 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
4 THE CITY OF GAINESVILLE, FLORIDA:

5 Section 1. Section 2-410.2 of the Code of Ordinances of the City of Gainesville is  
6 hereby amended to read as follows:

7 Sec. 2-410.2. Boundaries of the College Park/University Heights Community  
8 Redevelopment Area.

9 (a) The following described area has been designated as a slum or blighted area and  
10 found to be appropriate for a community redevelopment project by Resolution No. R-94-  
11 63 passed September 26, 1994 and Resolution 050067 passed June 13, 2005. The area  
12 described in subsections (b) and (c) shall be the Community Redevelopment Area in  
13 which the agency shall undertake activities for the elimination and prevention of the  
14 development and spread of slums and blight in accordance with this division.

15 (b) The area shall consist of all the territory lying within the following boundaries:

16 Commence at the point of intersection with a southerly extension of the east right-of-way  
17 line of S.W. 6<sup>th</sup> Street and the south line of the abandoned Seaboard Coastline Railroad  
18 right-of-way (a/k/a the Department of Transportation Depot Avenue Rail Trail) as the  
19 Point-of-Beginning; thence run South and Southwesterly along said south line to the west  
20 right-of-way line of S.W. 13<sup>th</sup> Street, thence run North along said west right-of-way line  
21 to the south right-of-way line of West University Avenue; thence run West along said  
22 south right-of-way line to the west right-of-way line to the west right-of-way line of N.  
23 W. 20<sup>th</sup> Street; thence run North along said west right-of-way line of N.W. 15<sup>th</sup> Street;  
24 thence run North along said west right-of-way line of N.W. 13<sup>th</sup> Street; thence run South

1 along said west right-of-way line to the north right-of-way line to the east right-of-way  
2 line of N.W. 3<sup>rd</sup> Avenue; thence run East along said north right-of-way line to the east  
3 right-of-way line of N.W. 6<sup>th</sup> Street; thence run South along said east right-of-way line of  
4 the abandoned Seaboard Coastline Railroad right-of-way (a/k/a the Department of  
5 Transportation Depot Avenue Rail Trail) being the Point-of-Beginning, and close. All  
6 lying and being in the City.

7 (c) The area shall consist of all the territory lying within the following boundaries:

8 All of the platted and unplatted lands and rights of way lying within Section 8, Township  
9 10 South, Range 20 East, Alachua County, Florida, lying South of the Northerly right of  
10 way line of the Southwest Depot Avenue (on its West end intersecting the Northerly  
11 extension of the West right of way line of Southwest 13<sup>th</sup> Street, and lying South of the  
12 Northerly line of Parcel #15539-200-000 and an Easterly extension thereof intersecting  
13 the Northerly extension of the Easterly right of way line of Main Street); and lying West  
14 of said Easterly right of way line of South Main Street (on its North end intersecting the  
15 Easterly extension of said Northerly line of Parcel #15539-200-000, and on its South end  
16 intersecting the Easterly extension of Southerly right of way line of Southwest 16<sup>th</sup>  
17 Avenue); and lying North of said Southerly right of way line of Southwest 16th Avenue  
18 (or its East end intersecting the Southerly extension of said Easterly right of way line of  
19 South Main Street, and on its West end intersecting the Southerly extension of the  
20 aforsaid West right of way line of Southwest 13<sup>th</sup> Street); and lying East of said West  
21 right of way line of Southwest 13<sup>th</sup> Street (on its South end intersecting the Westerly  
22 extension of said Southerly right of way line of Southwest 16<sup>th</sup> Avenue, and on its North  
23 and intersecting the Westerly extension of the aforsaid right of way line of Southwest  
24 Depot Avenue). All lying and being in the City of Gainesville, Florida.

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1 **Section 2.** Section 2-413 of the Code of Ordinances of the City of Gainesville is hereby  
2 amended to read as follows:

3 Sec. 2-413. College Park/University Heights CRA; trust fund.

4 (a) There is hereby established a trust fund, to be separately administered and accounted  
5 for, to be known as the College Park/University Heights trust fund.

6 (b) The trust fund shall be used for the deposit of all tax increment funds obtained by the  
7 Gainesville Community Redevelopment Agency ~~of the city~~ to finance or refinance  
8 community redevelopment projects within the College Park/University Heights  
9 Community Redevelopment Area and all such funds shall be used to carry out  
10 redevelopment activities included in the Community Redevelopment Plan for the College  
11 Park/University Heights Community Redevelopment Area.

12 (c) Until all redevelopment projects included in the College Park/University Heights  
13 Community Redevelopment Plan are completed and paid for, the trust fund shall receive  
14 the annual tax increment, as hereinafter defined, from all taxing authorities except school  
15 districts and those taxing ~~bodies~~ authorities listed in ~~exempted by~~ F.S. §163.387(2)(c) for  
16 the ~~College Park/University Heights community redevelopment area~~ described in section  
17 2-410.2(b) and (c).

18 (d) Pursuant to F.S. 163.387, the tax increment to be allocated annually to the trust fund  
19 shall be that amount equal to 95 percent of the difference between:

20 (1) The amount of the ad valorem taxes levied each year by all taxing authorities  
21 except school districts and those taxing ~~bodies~~ ~~exempted by~~ F.S. § 163.387(2)(c);  
22 authorities listed in F.S. §163.387(2)(c), exclusive of any amount ~~from any debt~~  
23 service millage; on taxable real property contained within the geographic  
24 boundaries of the College Park/University Heights Community Redevelopment

1 Area described in section 410.2(b) and (c); and

2 (2) The amount of ad valorem taxes which would have been produced by the rate  
3 upon which tax is levied each year by or for all taxing authorities except school  
4 districts and those taxing ~~bodies exempted by F.S. § 163.387(2)(e),~~ authorities  
5 listed in 163.387(2)(c), F.S., exclusive of any ~~amount from any~~ debt service  
6 millage, upon the total of the assessed value of the taxable property in the College  
7 Park/University Heights Community Redevelopment ~~project~~ Area described in  
8 Section 2-410.2(b) and (c) as shown upon the most recent assessment roll used in  
9 connection with the taxation of such property by each taxing authority prior to the  
10 effective date of ~~this the ordinances , this being the assessment roll used to set the~~  
11 millage for 1994-1995, providing for the funding of the trust fund for the areas  
12 described in Section 2-410.2(b) and Section 2-410.2(c) respectively.

13 (e) It is hereby determined that the total of the assessed value of the taxable property  
14 in the ~~College Park/University Heights redevelopment area~~ described in section 2-  
15 410.2(b) , as shown ~~on~~ by the most recent assessment roll prior to the effective date of  
16 ~~this the ordinance,~~ initially providing for the College Park/University Heights trust fund  
17 was \$73,462,770.00. It is hereby determined that the total of the assessed value of the  
18 taxable property in the area described in section 2-410.2(c), as shown by the most recent  
19 assessment roll prior to the effective date of this ordinance was \$43,710,250.

20 (f) Until such time as the College Park/University Heights Community  
21 Redevelopment Plan is completed and paid for, the city shall, and all other taxing  
22 authorities except school districts and those taxing ~~bodies exempted by F.S.~~  
23 ~~§163.387(2)(e)~~ authorities listed in §163.387(2)(c), F.S. are called upon to, annually  
24 appropriate to the trust fund the tax increment described above for the area described in

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1 section 2-410.2 (b) and (c).

2 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1  
3 and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of  
4 the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance  
5 may be renumbered or relettered in order to accomplish such intentions.

6 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be  
7 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
8 in no way affect the validity of the remaining portions of this ordinance.

9 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
10 such conflict hereby repealed.

11 **Section 6.** This ordinance shall become effective immediately upon final adoption.

12 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

13  
14  
15 \_\_\_\_\_  
16 PEGEEN HANRAHAN, MAYOR

17 ATTEST:

Approved as to form and legality

18  
19 \_\_\_\_\_  
20 KURT M. LANNON  
21 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

22 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

23 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.