



MEMORANDUM

Office of the City Attorney

Registrar No. 002142

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

TO: Mayor and City Commission

DATE: November 26, 2001
FIRST READING

FROM: City Attorney


SUBJECT: Ordinance No. 0-01-67

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 by defining the boundaries of the Downtown Expansion District redevelopment area; amending Section 2-412 relating to the trust fund for the Downtown Expansion District redevelopment area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.


Recommendation: The City Commission adopt the proposed ordinance.

On September 24, 2001, the City Commission authorized the preparation of an ordinance to describe the boundaries of the Downtown Expansion District Community Redevelopment Area and to modify the trust fund for tax increment funds. The ordinance describes the additional area from which increment funds will be collected, sets the base amount upon which future increases in values on the properties in this area will be measured, and requires certain taxing authorities to deposit increment funds on an annual basis.

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. _____

0-01-67

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3
4 **An ordinance of the City of Gainesville, Florida, amending Division 9**
5 **of Chapter 2 of the Code of Ordinances of the City of Gainesville**
6 **relating to Community Redevelopment, amending Section 2-410 by**
7 **defining the boundaries of the Downtown Expansion District**
8 **redevelopment area; amending Section 2-412 relating to the trust fund**
9 **for the Downtown Expansion District redevelopment area; providing**
10 **directions to the codifier; providing a severability clause; providing a**
11 **repealing clause; and providing an immediate effective date.**
12

13 **WHEREAS**, Resolution R-81-32, adopted by the City Commission of
14 Gainesville on September 21, 1981, first designated an area in downtown Gainesville as a
15 slum of blighted area appropriate for community redevelopment and subsequently
16 adopted the Downtown Redevelopment Plan; and

17 **WHEREAS**, Resolution No. 001008, adopted by the City Commission of the
18 City of Gainesville on February 26, 2001, determined that the Downtown Expansion
19 District was an area appropriate for community redevelopment pursuant to the
20 Community Redevelopment Act of 1969; and

21 **WHEREAS**, Resolution 001893, adopted by the City Commission of the City of
22 Gainesville on October 22, 2000, adopted a community redevelopment plan for the
23 Downtown Expansion District;

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

27 **WHEREAS**, a Public Hearing was held pursuant to the published notice
28 described at which hearing the parties in interest and all others had an opportunity to be

1 and were, in fact, heard;

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

4

5 Section 1. Section 2-410 of the Code of Ordinances of the City of Gainesville is
6 hereby amended to read as follows:

7 Sec. 2-410. Boundaries of the downtown expansion redevelopment area.

8 (a) The following described area has been designated as a slum or blighted area and
9 found to be appropriate for a community redevelopment project by Resolution No. R81-
10 74 passed September 21, 1981 and Resolution 001008 passed February 26, 2001. ~~Such~~

11 The area described in subsections (b) and (c) shall be the community redevelopment area
12 in which the agency shall undertake activities for the elimination and prevention of the
13 development and spread of slums and blight in accordance with this division.

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

15 Beginning at the intersection of NE 6th Avenue and NE 1st Street proceed South on NE
16 1st Street to NE 2nd Avenue; thence run east on NE 2nd Avenue to NE Boulevard;
17 thence run South along NE Boulevard and Sweetwater Branch to SE 4th Place; thence
18 run West on SE 4th Place to SE 2nd Street; thence run South on SE 2nd Street to SE 5th
19 Avenue; thence West on SE 5th Avenue to South Main Street, thence North on South
20 Main Street to SW 4th Avenue; thence West on SW 4th Avenue to SW 5th Street; thence
21 North on SW 5th Street to SW 2nd Avenue; thence West on SW 2nd Avenue to SW 5th
22 Terrace; thence North on SW 5th Terrace to West University Avenue; thence West on
23 West University Avenue to NW 6th Street; thence North on NW 6th Street to NW 2nd

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1 Avenue; thence East on NW 2nd Avenue to a point 150 feet west of the west right-of-way
2 line of NW 2nd Street (being also a point on the west line of Lots 1 and 2 of Block 18 of
3 the Baird Replat as per Plat Book "A", page 96, being a replat of a portion of Brush's
4 Addition as per Deed Book "O", page 218, all as recorded in the Public Records of
5 Alachua County, Florida); thence run North to NW 3rd Avenue; thence run East on NW
6 3rd Avenue to NW 1st Street; thence run North on NW 1st Street to NW 6th Avenue;
7 thence run East on NW and NE 6th Avenue to the point-of-beginning, and close. All
8 lying and being in the City of Gainesville, Florida.

9 Less and except the following described parcels:
10

11 1. Lot #9 and the west 170 feet of Lot #4 of Brush's Addition, as per Deed Book "O",
12 page 218, a replat of Block 28 as per Plat Book "A", page 71, of the Public Records of
13 Alachua County, Florida, also known as tax parcel #14536 and #14544 and the south 104
14 feet of tax parcel #14537;
15

16 2. Commence 138 feet east and 43 feet south of the northwest corner of the Southeast
17 one-quarter (SE 1/4) of Section 5, Township 10 South, Range 20 East, for the point-of-
18 beginning; thence run South along the east right-of-way line of SW 5th Terrace 581 feet
19 more-or-less to its intersection with the north right-of-way line of SW 2nd Avenue;
20 thence run East along the said north line of SW 2nd Avenue, 160.95 feet; thence run
21 North 285.5 feet; thence run West 25.9 feet; thence run North 296 feet more-or-less, to
22 the south right-of-way line of West University Avenue; thence run West 118.9 feet along

1 said south right-of-way line to the point-of-beginning, and close. Said area also known as
2 tax parcel #12939, 12940, 12942 and 12942-1; and

3

4 3. Lots 5 and 8 of Block 2; Lots 1 and 4 of Block 2, (less any right-of-way); Lot 5 and
5 the South one half (S1/2) of Lot 6, Block 1, all in the Parrish and Parrish Addition to
6 Gainesville, as per Plat book "A", page 107 of the Public Records of Alachua County,
7 Florida.

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

9 Beginning at the intersection of the centerline of NE 2nd Avenue and the centerline of NE
10 Boulevard, proceed east along the centerline of NE 2nd Avenue to the centerline of NE 7th
11 Street; thence north along the centerline of NE 7th Street to the centerline of NE 3rd
12 Avenue; thence east along the centerline of NE 3rd Avenue to the centerline of Waldo
13 Road; thence south along the centerline of Waldo Road to the centerline of the abandoned
14 Seaboard Coast Railroad right-of-way (being known as part of parcel number 12745-
15 300); thence southwest along the centerline of said property to the centerline of SE 4th
16 Street; thence southeast along the centerline of SE 4th Street to the centerline of SE 10th
17 Avenue; thence southwest along the centerline of SE 10th Avenue to the western
18 boundary of tax parcel 15706-001 according to the Alachua County Property Appraiser's
19 records; thence south along the western boundary of 15706-001 to the centerline of a
20 southeasterly extension of SE 10th Avenue; thence Northwest along said southeasterly
21 extension and along the centerline of SE 10th Avenue to the centerline of S Main Street;
22 thence north along the centerline of Main Street to the centerline of SW Depot Avenue;
23 thence westerly along the centerline of SW Depot Avenue to the centerline of SW 6th

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1 Street; thence north along the centerline of SW 6th Street to the south line of W
2 University Avenue; thence east along the south line of W University Avenue 119 feet east
3 of the east line of SW 5th Terrace; thence south 296 feet; thence run East 25.9 feet; thence
4 run South 285.5 feet to the north line of SW 2nd Avenue; thence east along the north line
5 SW 2nd Avenue to the centerline of SW 5th Street; thence south along the centerline of
6 SW 5th Street to the centerline of SW 4th Avenue; thence east along the centerline of SW
7 4th Avenue to the centerline of S Main Street; thence south along the centerline of Main
8 Street to the centerline of SE 5th Avenue; thence east along the centerline of SE 5th
9 Avenue to the centerline of SE 2nd Street; thence north along the centerline of SE 2nd
10 Street to the centerline of SE 4th Place; thence east to the southerly extension of the east
11 line of Lot 7 of Block 2; thence run North along said southerly extension and along the
12 east line of Lot 7 and Lot 6 to the northeast corner of Lot 6; thence run East to the east
13 line of SE 5th Street; thence run South along said east line to the northwest corner of Lot 5
14 of Block 1; thence run East along the north line of said Lot 5 and along the north line of
15 Lot 6 of Block 1, (all in the Parrish and Parrish Addition to Gainesville, as per Plat Book
16 "A", page 107 of the Public Records of Alachua Count, Florida) to the centerline of
17 Sweetwater Branch; thence run north along said Sweetwater Branch and along the
18 centerline of NE Boulevard to its intersection with the centerline of NE 2nd Avenue; being
19 the Point-of-Beginning, and close

20 TOGETHER WITH THE FOLLOWING DESCRIBED PARCELS:

21 Beginning at the intersection of the centerlines of NW 6th Street and NW 2nd Avenue
22 proceed East along the centerline of NW 2nd Avenue to the east property line of tax parcel
23 14536; thence south along the east property line of tax parcel 14536 to the north property

1 line of tax parcel 14544; thence East to the west line of tax parcel 14543; thence run
 2 South along said west line to the north line of NW 1st Avenue; thence west along the
 3 north line of NW 1st Avenue to the centerline of NW 6th Street; thence North along the
 4 centerline of NW 6th Street to the Point-of-Beginning.

5 AND:

6 Beginning at the intersection of the centerlines of NW 1st Street and NW 8th Avenue
 7 proceed east along the centerline of NW 8th Avenue to the centerline of NE 1st Street;
 8 thence south along the centerline of NW 1st Street to the centerline of NE 6th Avenue;
 9 thence west along the centerline of NE 6th Avenue to the centerline of NW 1st Street;
 10 thence north along the centerline of NW 1st Street to the Point-of-Beginning.

11 **Section 2.** Section 2-412 of the Code of Ordinances of the City of Gainesville is
 12 hereby amended to read as follows:

13 Sec. 2-412. Downtown Expansion redevelopment; trust fund.

14 (a) There is hereby established a trust fund, to be separately administered and
 15 accounted for, to be known as the downtown expansion redevelopment trust fund.

16 (b) The trust fund shall be used for the deposit of all tax increment funds obtained by
 17 the ~~downtown~~ Gainesville community redevelopment agency to finance or refinance
 18 community redevelopment projects within the downtown expansion community
 19 redevelopment area and all such funds shall be used to carry out redevelopment activities
 20 included in the community redevelopment plan.

21 (c) Until all redevelopment projects included in the downtown expansion community
 22 redevelopment plan are completed and paid for, the trust fund shall receive the annual tax
 23 increment, as hereinafter defined, from all taxing authorities except school districts and

1 those taxing authorities listed in §163.387(2)(c), F.S. (2001), for the area previously
2 described in section 2-4140.

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

5 (1) The amount of ad valorem taxes levied each year by all taxing authorities except
6 school districts and those taxing authorities listed in §163.387(2)(c), F.S. (2001),
7 exclusive of any debt service millage on taxable real property contained within the
8 geographic boundaries of the community redevelopment area; and

9 (2) The amount of ad valorem taxes which would have been produced by the rate upon
10 which the tax is levied each year, by or for all taxing authorities except school districts
11 and those taxing authorities listed in §163.387(2)(c), F.S. (2001), exclusive of any debt
12 service millage upon the total of the assessed value of the taxable property in the
13 community redevelopment ~~project~~ area described in Section 2-410(b) and (c), as shown
14 upon the most recent assessment roll used in connection with the taxation of such
15 property by each taxing authority prior to the effective date of the ordinances providing
16 for the funding of the trust fund for the areas described in Section 2-410(b) and Section 2-
17 410(c) respectively.

18 (e) It is hereby determined that the total of the assessed value of the taxable property in
19 the area redescribed in section 2-410(b), as shown by the most recent assessment roll
20 prior to the effective date of the ordinance adopting the downtown redevelopment plan
21 was \$18,779,230.00. It is hereby determined that the total of the assessed value of the
22 taxable property in the area described in section 2-410(c), as shown by the most recent
23 assessment roll prior to the effective date of this ordinance was \$29,813,210.

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1 (f) Until such time as the redevelopment plan is completed and paid for, the city shall,
2 and all other taxing authorities except school districts and those taxing authorities listed
3 in §163.387(2)(c), F.S. (2001) are called upon to, annually appropriate to the trust fund
4 the tax increment described above for the area described in section 2-410(b) and (c).

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

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

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

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

15 **PASSED AND ADOPTED** this ____ day of _____, 2001.

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19

THOMAS D. BUSSING, MAYOR

20
21 ATTEST:

Approved as to form and legality

22
23

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

24
25
26 This Ordinance passed on first reading this ____ day of _____, 2001.

27 This Ordinance passed on second reading this ____ day of _____, 2001.

