

Ordinance No. 762

**AN ORDINANCE OF THE CITY OF LYNN HAVEN,
FLORIDA RELATING TO COMMUNITY
REDEVELOPMENT; ESTABLISHING A
REDEVELOPMENT TRUST FUND FOR THE LYNN
HAVEN COMMUNITY REDEVELOPMENT AREA;
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, on May 25, 2004, the City Commission of the City Of Lynn Haven, Florida (the "Commission") created the Lynn Haven Community Redevelopment Agency (the "Agency") pursuant to Resolution No. 2004-05-351 and declared that the Commission shall sit ex-officio as the governing body of the Agency; and

WHEREAS, the Commission sitting ex-officio as the governing body of Agency adopted the "Lynn Haven Community Redevelopment Plan" (the "Plan") in accordance with Chapter 163, Part III, Florida Statutes (the "Act"); and

WHEREAS, the Agency requires funding to carry out the community development projects in the Plan; and

WHEREAS, the Commission desires to fund the Agency for community redevelopment purposes as contemplated in by Section 163.387, Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. AUTHORITY.

This Ordinance is adopted pursuant to the Sections 166.021 and 166.041, Florida Statutes; Chapter 163, Part III, Florida Statutes; and other applicable provisions of law.

SECTION 2. FINDINGS.

It is hereby determined and declared that:

(A) Chapter 163, Part III, Florida Statutes (the Community Redevelopment Act or "Act"), provides legislative authorization for municipalities to create and establish

community redevelopment agencies to carry out the community redevelopment purposes of the Act.

(B) On May 25, 2004, the Commission created the Agency pursuant to Resolution No. 2004-05-351 and declared that the Commission shall sit ex-officio as the governing body of the Agency.

(C) After a public hearing and public workshops to receive comment upon the Plan, the Commission as ex-officio governing body of the Agency adopted the Plan in Resolution No. 2004-05-352.

(D) All notices and prerequisites provided for in Sections 163.346, 163.355, 163.356, 163.357, 163.360 and 163.387, Florida Statutes have been duly complied with by the City and the Agency.

SECTION 3. ESTABLISHMENT OF THE LYNN HAVEN COMMUNITY REDEVELOPMENT TRUST FUND.

(A) In accordance with the provisions of Section 163.387, Florida Statutes, there is hereby established and created the Lynn Haven Community Redevelopment Trust Fund (the "Fund") for the Agency. Within the Fund, there shall be a segregation of accounting, income, proceeds and funds attributable to the Lynn Haven Community Redevelopment Area established by Resolution 2004-05-350.

(B) The funds to be allocated to and deposited into the Fund are hereby appropriated to the Agency for its use to develop, provide and finance projects within the Lynn Haven Community Redevelopment Area described in the Plan. The funds and revenues paid into and earned by the Fund shall be used for community redevelopment purposes as provided in the Plan or any amendments or modifications thereto and as provided by law. The Fund shall exist for the duration of the Plan, or until all loans, advances, and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the redevelopment area have been paid. The Fund shall be established and maintained as a separate Trust Fund by the City Manager, or his designee, pursuant to Florida Statutes, Section 163.387, and other directives of the Agency, as may from time to time adopt, whereby the Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its allocated statutory purpose. The Agency shall be responsible for the receipt, custody, disbursement, accountability, management, investment, and proper application of all monies paid into the fund, subject to the provisions of this section.

SECTION 4. OBLIGATION OF TAXING AUTHORITIES TO APPROPRIATE FUNDS:

(A) Commencing January 1, 2005, each taxing authority, as defined in Florida Statutes, Section 163.340(2) (except those taxing authorities which are exempt or exempted as provided in Section 163.387, Florida Statutes) shall, by January 1 of each year, appropriate to the fund a sum that is no less than the increment as defined and determined in Section 3(B) below and Florida Statutes, Section 163.387 accruing to such taxing authority. Annual appropriation to the fund shall continue for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding, but not to exceed thirty (30) years. If the Plan is amended or modified pursuant to Florida Statutes, Section 163.361(1), each such taxing authority shall make the annual appropriation, for the area subject of the amended or modified plan, for a period not to exceed thirty (30) years after the date the City Commission amends the plan. Any taxing authority that does not pay the increment to the Fund by January 1 shall pay to the Trust Fund an amount equal to five (5) percent of the amount of the increment and shall pay interest on the amount of the increment equal to one (1) percent for each month the increment is outstanding.

(B) The increment provided by Section 3(A) above shall be determined annually and shall be that amount equal to ninety-five (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 Lynn Haven 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 debt service millage, upon the total of the assessed value of the taxable real property in the Lynn Haven 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. The most recent assessment roll used in connection with the taxing of such property shall be the 2003 tax roll of Bay County, Florida delivered by the Bay County Property Appraiser to the Bay County Tax Collector pursuant to Section 197.322, Florida Statutes, and all deposits into the fund shall begin with the sums equal to the incremental increases from subsequent years' tax rolls resulting in Ad Valorem Tax revenue due subsequent to November 1, 2004, for the tax year commencing January 1, 2004, and subsequent years.

(C) The taxing authorities' obligation to annually appropriate to the Fund shall commence immediately upon the effective date of Ordinance and shall continue until all

obligations of and incurred by the Agency as the result of the Plan and community redevelopment initiative resulting therefrom have been paid; and only to the extent that such tax increment identified herein above accrues.

SECTION 5. ANNUAL DISPOSITION OF FUNDS AND AUDITING:

(A) Pursuant to Florida Statutes, Section 163.387(7), on the last day of the fiscal year of the Agency, any money which remains in the fund after the payment of expenses pursuant to Section 163.387(6), Florida Statutes, for such year shall be:

(1) Returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within each community redevelopment area for that year;

(2) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(3) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(4) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which project will be completed within three (3) years from the date of such appropriation.

(B) The Agency shall provide for an independent financial audit of the fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority.

SECTION 6. SEVERABILITY, CONFLICT AND CODIFICATION.

(A) The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

(B) Any portion of the Lynn Haven Code or any ordinances or parts thereof or resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

(C) The text of this Ordinance shall be codified as a part of the Lynn Haven Code. The codifier is authorized to make editorial changes not affecting the substance or this ordinance by the substitution or "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

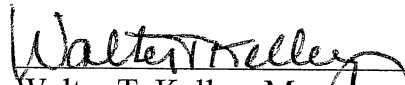
SECTION 7. EFFECTIVE DATE.

This ordinance shall be in force and take effect immediately upon its passage and adoption after the second reading.

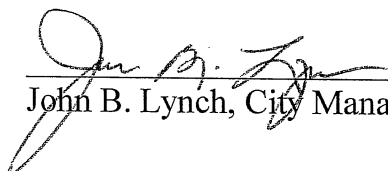
INTRODUCED on first reading this 25 day of May 2004.

PASSED on second reading this 8 day of June 2004.

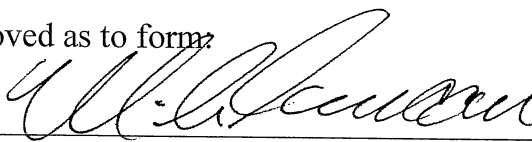
CITY OF LYNN HAVEN, FLORIDA


Walter T. Kelley, Mayor

ATTEST:


John B. Lynch, City Manager-Clerk

Approved as to form:


City Attorney