



CITY OF AVON PARK

Highlands County, Florida

110 East Main Street

Avon Park, Florida 33825

March 24, 2016

Avon Park City Council
110 East Main Street
Avon Park, Florida 33825

Dear Council Members:

Pursuant to City Ordinance No. 874, you are hereby notified of a Regular Meeting of the City Council on Monday, March 28, 2016, at 6:00 PM in the City Council Chambers located at 123 East Pine Street, Avon Park, Florida. If you are unable to attend, please contact me at 452-4403 or email the City Clerk: Sutherland@avonpark.cc

Sincerely,

A handwritten signature in blue ink, appearing to read "Julian Deleon", is written over a horizontal line.

Julian Deleon
City Manager

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B4

Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 5, 2016.

THEREFORE, BE IT RESOLVED that I, Sharon Schuler, Mayor of Avon Park do hereby proclaim April 5, 2016 as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

B-5

B5

WELCOME

South Florida District

Christian Board of Education

Sunday School and WWC Convention

April 7- 10, 2016

The City of Avon Park welcomes the
South Florida District Christian Board of Education,
Sunday School and Willing Worker Club Convention

We are encouraged of the Convention Theme for 2016 of Spiritual Discipline;
and your Motto: Whose Money is it Anyway which aims to explore the thoughts of debt
free living that provides training and education to church members and the community.

Convention Location:

New Progressive Church of God by Faith

1111 South Carolina Ave

Avon Park Florida



B-7

B 78

DAVID F. LANIER

ATTORNEY AT LAW
30 East Main Street
P.O. BOX 400
AVON PARK, FLORIDA 33826-0400
TELEPHONE (863) 453-4457
FAX (863) 452-1564
E-MAIL lanier30@embarqmail.com

February 17, 2016

City Council
City of Avon Park
110 East Main Street
Avon Park, FL 33825

Re: Code Enforcement Lien
1477 North Melrose Dr, Avon Park

Dear Council Members:

I represent the Personal representative of the David L. Marsh Estate. Among the assets of the estate is a mortgage on property at 1477 North Melrose Dr. which was executed by Jose A. and Herlinda Velez securing a Mortgage Note in the original amount of \$32,000.00. Payment of the Note is now in default and subject to foreclosure of the mortgage.

A title search of the property reveals an Avon Park Code Enforcement Lien of \$31,038.19 dated February 14, 2014. The Highlands County Property Appraiser's value of the property is \$19,975.00.

The Personal Representative and I inspected the property and found it to be vacant and in deplorable condition. A property inspection was ordered and we now have estimates of repair work to be done to bring the property back up to Code Specifications. We can have these repairs done once the property is foreclosed, assuming a Certificate of Title will be issued in the name of the Estate.

The problem now is that should the Personal representative elect to foreclose and repair the property rather than file a suit on the note alone, payment of the Code Enforcement Lien would not be practical.

Now, the purpose of this letter is to request from the Council a Commitment to withdraw the Code Enforcement Lien once the property is foreclosed and repaired. This is a formal request and I will be available to provide the Council with any other information as may be required. If personal appearance of the Personal Representative is required we will be glad to respond to your requests.

Yours truly,


David F. Lanier

DAVID F. LANIER
ATTORNEY AT LAW
30 East Main Street
P.O. Box 400
Avon Park, Florida 33826-0400
Telephone (863) 453-4457 Fax (863) 452-1564
E-Mail lanier30@embarqmail.com

September 24, 2015

Code Enforcement
City of Avon Park
1535 State Road 64 West - Suite 104
Avon Park, FL 33825

Re: 1477 Melrose Case 12-44 (Velez)

Dear Sirs:

I represent the Personal Representative of the Estate of David L. Marsh, deceased. The Marsh Estate holds a mortgage on the above property which is delinquent in payments. We have just discovered the Code Enforcement Lien you have recorded (copy enclosed). The property is appraised at approximately \$20,000.00 and taxes are due of approximately \$1,500.00. The Marsh Mortgage balance is approximately \$48,000.00.

The Personal Representative would like to foreclose this property and put in back in presentable condition. Would you please let me know when we may discuss this matter to settle the City lien.

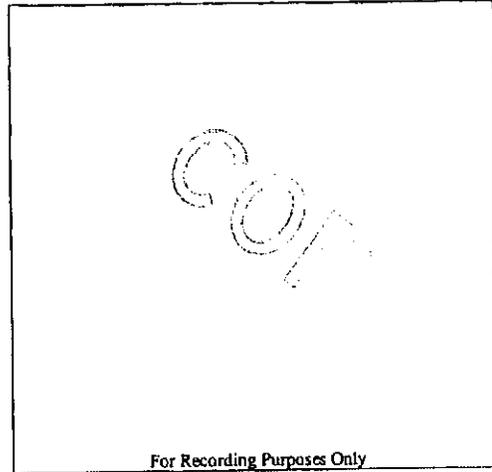
Yours truly,


David F. Lanier

Sof
18.50
AIR

**THIS INSTRUMENT
SHOULD BE RETURNED TO:**

Janet Shields
City of Avon Park
Code Enforcement
1535 State Road 64 West Suite 104
Avon Park, FL 33825
Work: (863) 453-3565



**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF AVON PARK, FLORIDA**

CITY OF AVON PARK, a Florida
Municipal Corporation

Petitioner,

Vs

HERLINDA VELEZ

CE CASE

12-44

ADDRESS

1477 N MELROSE DRIVE
AVON PARK, FL 33825

and all unknown parties claiming
by, through, under or against the
said named respondents, whether
living or not, and whether said
unknown parties claims as heirs,
devisees, grantees, assignees,
lienors, creditors, trustees, parties
in possession, or in any other
capacity claiming by, through or
under, or against the said named
respondents.

Respondent.

ORDER IMPOSING ADMINISTRATIVE FINE / LIEN

1. This case came on for hearing before the Code Enforcement Special Magistrate on 1/29/2014, at which time the Special Magistrate heard testimony under oath, received evidence, and issued an Order which was reduced to writing and furnished to the Respondent(s).

IT IS HEREBY ORDERED THAT:

An order imposing a lien in the amount of **THIRTY ONE THOUSAND THIRTY EIGHT DOLLARS NINETEEN CENTS (\$31,038.19)** is hereby imposed. **This Order supersedes all orders imposing administrative fines and liens** herein and will be recorded in the public records of Highland County or any other county pursuant to the law, and when so recorded shall constitute a lien against any and all real and personal property of the Respondent pursuant to Chapter 162, Florida Statutes, Section 162.09. The recording of this Order is for the following described land located within Avon Park, Highlands County, Florida, to wit:

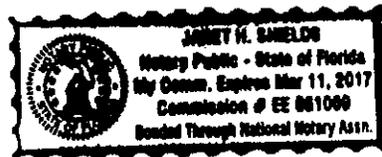
LEGAL DESCRIPTION: A-15-33-28-011-0140-14E0

THE MANORS UNREC SURVEY
UNIT 14 E + CONTIGUOUS
LAND TRACT 14

DONE AND ORDERED this 14 day of February, 2014 at Avon Park, Highlands County Florida.

CITY OF AVON PARK, FLORIDA

By: [Signature]
Glinda R. Pruitt, Special Magistrate



STATE OF FLORIDA
COUNTY OF HIGHLANDS

This forgoing instrument was acknowledged before me this 14 day of February 2014 by Glinda R. Pruitt as City of Avon Park Code Enforcement Special Magistrate, who is personally known to me.

City Clerk/ Notary at large
[Signature]

Notary Expires 3/11/17

This instrument prepared by Janet Shields, Code Enforcement Secretary, City of Avon Park, Florida

Sof
18.50
AIR

**THIS INSTRUMENT
SHOULD BE RETURNED TO:**

**Janet Shields
City of Avon Park
Code Enforcement
1535 State Road 64 West Suite 104
Avon Park, FL 33825
Work: (863) 453-3565**



FILED IN HIGHLANDS COUNTY, FL
ROBERT W. GERMAINE, CLERK OF COURTS
FILED 02/18/2014 AT 03:52:07 PM
BOOK 2416 PAGE 1526-1527 INSTRUMENT#1724456
DOC TYPE: O DEPUTY CLERK:STURNBULL1 REC.
FEE \$18.50

For Recording Purposes Only

**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF AVON PARK, FLORIDA**

CITY OF AVON PARK, a Florida
Municipal Corporation

Petitioner,

Vs

HERLINDA VELEZ

CE CASE

12-44

ADDRESS

1477 N MELROSE DRIVE
AVON PARK, FL 33825

and all unknown parties claiming by, through, under or against the said named respondents, whether living or not, and whether said unknown parties claims as heirs, devisees, grantees, assignees, lienors, creditors, trustees, parties in possession, or in any other capacity claiming by, through or under, or against the said named respondents.

Respondent.

ORDER IMPOSING ADMINISTRATIVE FINE / LIEN

1. This case came on for hearing before the Code Enforcement Special Magistrate on 1/29/2014, at which time the Special Magistrate heard testimony under oath, received evidence, and issued an Order which was reduced to writing and furnished to the Respondent(s).

IT IS HEREBY ORDERED THAT:

An order imposing a lien in the amount of **THIRTY ONE THOUSAND THIRTY EIGHT DOLLARS NINETEEN CENTS (\$31,038.19)** is hereby imposed. **This Order supersedes all orders imposing administrative fines and liens** herein and will be recorded in the public records of Highland County or any other county pursuant to the law, and when so recorded shall constitute a lien against any and all real and personal property of the Respondent pursuant to Chapter 162, Florida Statutes, Section 162.09. The recording of this Order is for the following described land located within Avon Park, Highlands County, Florida, to wit:

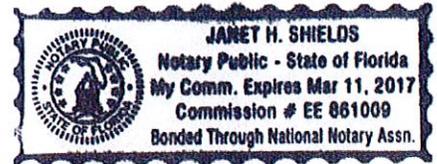
LEGAL DESCRIPTION: A-15-33-28-011-0140-14E0

THE MANORS UNREC SURVEY
UNIT 14 E + CONTIGUOUS
LAND TRACT 14

DONE AND ORDERED this 14 day of February, 2014 at Avon Park, Highlands County Florida.

CITY OF AVON PARK, FLORIDA

By: Glinda R. Pruitt
Glinda R. Pruitt, Special Magistrate



STATE OF FLORIDA
COUNTY OF HIGHLANDS

This forgoing instrument was acknowledged before me this 14 day of February, 2014 by Glinda R. Pruitt as City of Avon Park Code Enforcement Special Magistrate, who is personally known to me.

City Clerk/ Notary at large

Janet H. Shields

Notary Expires 3/11/17

This instrument prepared by Janet Shields, Code Enforcement Secretary, City of Avon Park, Florida

- ★ Case 12-0000044
- All Actions
- Board Meetings
- Data Actions
- Fees
- Inspections
- Liens
- Names
- Notices
- Other Actions
- Receipts
- Text

Property Information

Address: 1477 N MELROSE DR
 AVON PARK, FL 33825

Location ID: 16816
 PARCEL ID#: A-15-33-28-011-0140-14E0-
 Old account number: 018710040
 Zoning:
 Subdivision:

Case General Information

Case status: SM SPECIAL MAGISTRATE
 Status date: 3/06/2013
 Case type: MAIN MINIMUM MAINTENANCE OF
 Reported date: 2/10/2012
 Origination: CC CITIZEN COMPLAINT
 Default inspector: GW C.E.O. GREG WARNER
 Credit balance: .00

Owner Information

Owner name: VELEZ, HERLINDA AND JOSE
 Address: 1477 MELROSE DR
 City: AVON PARK, FL 33825
 Phone: 0
 Notice: Y
 Flip: Y

Violations

Type	Status	Location
Q Sec. 22-603	AC	1477 MELROS

Case Data

Type	Description	Transaction	Amount Due	Amount Billed	Starting date	Ending date	Daily
AC	ADMINISTRATIVE COSTS	138.19	.00	138.19	3/06/2014		
LN	DAILY FINE / LIEN	30900.00	.00	30900.00	3/26/2013	1/29/2014	100
		31038.19	.00	31038.19			

- Print
- Cancel
- Exit
- Refresh
- Land Inquiry
- Call Inquiry
- Print History

NAME ON ACCOUNT: JOSE VELEZ

LF	2/10/16	LATE FEE	\$ 163.45	11/24/2015			
LF	1/08/16	LATE FEE	\$ 155.66	11/24/2015			
LF	12/10/2015	LATE FEE	\$ 184.19	11/24/2015			
LF	11/18/2015	LATE FEE	\$ 174.71	11/2/2015			
LF	10/12/2015	LATE FEE	\$ 165.67	9/24/15			
LF	9/14/15	LATE FEE	\$ 157.07	8/28/15			
LF	8/07/15	LATE FEE	\$ 148.88	7/22/15			
LF	7/13/15	LATE FEE	\$ 141.07	6/25/15			
LF	6/09/15	LATE FEE	\$ 133.64	5/22/15			
LF	5/07/15	LATE FEE	\$ 126.53	4/21/15			
LF	4/09/15	LATE FEE	\$ 119.75	3/24/15			
LF	3/11/15	LATE FEE	\$ 113.28	2/23/15			
LF	2/11/15	LATE FEE	\$ 107.13	1/26/15			
LF	1/07/15	LATE FEE	\$ 101.26	12/22/2014			
LF	12/12/2014	LATE FEE	\$ 95.68	11/26/2014			
LF	11/10/2014	LATE FEE	\$ 90.36	10/23/2014			
LF	10/16/2014	LATE FEE	\$ 85.30	9/22/14			
LF	9/10/14	LATE FEE	\$ 80.47	8/25/14			
LF	8/12/14	LATE FEE	\$ 75.88	7/25/14			
LF	7/15/14	LATE FEE	\$ 71.50	6/27/14			
LF	6/10/14	LATE FEE	\$ 67.34	5/22/14			
LF	4/29/14	LATE FEE	\$ 63.37	4/10/14			
LF	3/12/14	LATE FEE	\$ 59.59	2/21/14			
LF	2/10/14	LATE FEE	\$ 55.99	1/22/14			
LF	1/08/14	LATE FEE	\$ 52.56	12/20/2013			
LF	12/10/2013	LATE FEE	\$ 49.30	11/21/2013			
LF	11/6/2013	LATE FEE	\$ 46.19	10/18/2013			
LF	10/9/2013	LATE FEE	\$ 43.17	9/20/13			
LF	9/06/13	LATE FEE	\$ 40.26	8/20/13			
LF	8/07/13	LATE FEE	\$ 37.48	7/19/13			
LF	7/09/13	LATE FEE	\$ 34.84	6/20/13			
LF	6/05/13	LATE FEE	\$ 32.33	5/17/13			
LF	5/08/13	LATE FEE	\$ 29.93	4/19/13			
LF	4/05/13	LATE FEE	\$ 27.65	3/19/13			
LF	3/08/13	LATE FEE	\$ 25.47	2/18/13			
LF	2/06/13	LATE FEE	\$ 23.40	1/18/13			
LF	1/08/13	LATE FEE	\$ 21.43	12/20/2012			
LF	12/10/2012	LATE FEE	\$ 19.55	11/21/2012			
LF	11/6/2012	LATE FEE	\$ 17.77	10/19/2012			
LF	10/9/2012	LATE FEE	\$ 16.06	9/21/12			
LF	9/07/12	LATE FEE	\$ 14.44	8/21/12			
LF	8/08/12	LATE FEE	\$ 12.90	7/20/12			
LF	7/10/12	LATE FEE	\$ 11.42	6/21/12			
LF	6/08/12	LATE FEE	\$ 10.02	5/22/12			
LF	5/09/12	LATE FEE	\$ 8.69	4/20/12			
LF	4/11/12	LATE FEE	\$ 6.52	3/22/12			
LF	3/12/12	LATE FEE	\$ 3.18	2/22/12			

1477 N MELROSE DRVE (33337-16816)

NAME ON ACCOUNT: JOSE VELEZ

LF	2/10/12	LATE FEE	\$ 3.37	1/24/12			
		SUBTOTAL	\$ 3,325.70	LATE FEES			
VL	1/25/16	2/09/16	\$15.00				
VL	12/21/2015	1/06/16	\$15.00				
VL	11/24/2015	12/9/2015	\$15.00				
VL	11/2/2015	11/17/2015	\$15.00				
VL	9/24/15	10/9/2015	\$15.00				
VL	8/28/15	9/14/15	\$15.00				
VL	7/22/15	8/06/15	\$15.00				
VL	6/25/15	7/10/15	\$15.00				
VL	5/22/15	6/08/15	\$15.58				
VL	4/21/15	5/06/15	\$16.00				
VL	3/24/15	4/08/15	\$16.00				
VL	2/23/15	3/10/15	\$16.00				
VL	1/26/15	2/10/15	\$16.00				
VL	12/22/2014	1/06/15	\$16.00				
VL	11/26/2014	12/11/2014	\$16.00				
VL	10/23/2014	11/7/2014	\$16.00				
VL	9/22/14	10/15/2014	\$16.00				
BL	8/25/14	9/09/14	\$16.00				
BL	7/25/14	8/11/14	\$16.00				
BL	6/27/14	7/14/14	\$16.00				
BL	5/22/14	6/06/14	\$16.00				
XF	4/10/14	4/25/14	\$16.00				
BL	2/21/14	3/10/14	\$16.00				
BL	1/22/14	2/06/14	\$16.00				
BL	12/20/2013	1/06/14	\$16.00				
BL	11/21/2013	12/6/2013	\$16.00				
BL	10/18/2013	11/4/2013	\$17.16				
BL	9/20/13	10/7/2013	\$18.00				
BL	8/20/13	9/04/13	\$18.00				
BL	7/19/13	8/05/13	\$18.00				
BL	6/20/13	7/05/13	\$18.00				
BL	5/17/13	6/03/13	\$18.00				
BL	4/19/13	5/06/13	\$18.00				
BL	3/19/13	4/03/13	\$18.00				
BL	2/18/13	3/05/13	\$18.00				
BL	1/18/13	2/04/13	\$18.00				
BL	12/20/2012	1/04/13	\$18.00				
BL	11/21/2012	12/6/2012	\$18.00				
BL	10/19/2012	11/5/2012	\$18.00				
BL	9/21/12	10/8/2012	\$18.00				
BL	8/21/12	9/05/12	\$18.00				
BL	7/20/12	8/06/12	\$18.00				

②

1477 N MELROSE DRVE (33337-16816)

NAME ON ACCOUNT: JOSE VELEZ

BL	6/21/12	7/06/12	\$18.00				
BL	5/22/12	6/06/12	\$18.00				
		SUBTOTAL	\$730.74	GARBAGE			
BL	4/20/12	5/07/12	\$36.88				
BL	3/22/12	4/09/12	\$63.61				
BL	2/22/12	3/08/12	\$60.21				
		SUBTOTAL	\$160.70	WATER, SEWER, & GARBAGE			
			\$891.44	TOTAL DUE WITHOUT LATE FEES!			
			\$ 3,325.70	LATE FEES			
			\$ 730.74	GARBAGE			
			\$ 160.70	WATER, SEWER, GARBAGE			
			\$ 4,217.14	TOTAL DUE AS OF 02/26/16			

B-8

LOCATION AGREEMENT
HHCIB II Productions Inc.

B8

Shoot Date(s): _____

Name: _____

(herein referred to as "Owner")

1. The Owner grants to HHCIB II Productions Inc. and its parents, subsidiaries, affiliates, licensees, successors, and assigns ("Producer"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

(i) permission to enter upon and use the property, the related contents and all accessories located at the above address (the "Property") for the purpose of filming, photographing and recording certain scenes in connection with a program tentatively entitled "**Tougher Than It Looks?**" and all versions thereof, (the "Program") during production;

(ii) permission to use the Property as necessary during any extension, reshooting or preparation of publicity or promotion of the Program with prior permission of the owner.

All physical embodiments of filming, photographing and recording on the Property shall hereafter be known as the "Materials".

2. Producer may place all necessary facilities and equipment on the Property and agrees to remove same after completion of work. Producer shall leave the Property in as good condition as when Producer entered and usage began. The Property shall be deemed returned in a satisfactory condition unless Producer is given written notice by the Owner within 48 hours after the Property is vacated by Producer.

3. Producer will use reasonable care to prevent damage to the Property, and will indemnify the Owner, and all other parties lawfully in possession, of the Property, and will hold each of them harmless from any claims and demands of any person or persons arising out of or based upon personal injuries, death or property damage suffered by such person or persons resulting directly from any act of negligence on Producer's part in connection with Producer's use of the Property.

4. Owner grants to Producer all rights of every kind in and to the Materials, including and without limitation:

(i) the right to exploit the Materials throughout the world for an unlimited number of times, in perpetuity and in any and all media (now known or later invented) whether in connection with the Program or otherwise;

(ii) for advertising and promotional purposes of the Program; and

(iii) all copyright in the Program and Materials.

All rights to the Materials shall be and remain vested in HHCIB II Productions Inc.

5. Neither the Owner, nor any tenant, nor any other party now or later having an interest in the Property, shall have any right of action against Producer or any other party arising out of any use of the Materials whether or not such use is, or may be claimed to be, defamatory, untrue or censorable in nature.

6. The Owner acknowledges that Producer is filming, photographing and recording such scenes in express reliance upon this Agreement. The Owner represents and warrants that the Owner has all rights and authority necessary to enter into this Agreement and grant the rights contained herein.

7. Owner agrees that there shall be no fee or other consideration payable by Producer to Owner or any other person in respect of the rights granted to Producer in this Agreement. Producer shall have the right to reenter the Property for further work as needed with additional permission.

8. Producer is not obligated to actually use the Property or produce the Program or include the Materials in the Program for which it was shot or otherwise.

9. This is the entire agreement. No other authorization is necessary to enable Producer to use the Property for the purposes contemplated in this Agreement.

10. This Location Agreement shall be governed by, and interpreted in accordance with, the laws of the Province of Ontario and, to the extent applicable, the laws of Canada, and any action or proceeding under or in respect of this Location Agreement shall be brought in the appropriate court of the Province of Ontario.

AGREED AND ACCEPTED

BY: _____

DATE: _____

HHCIB II Productions Inc.
ACQUIRED FOOTAGE/STILL PHOTOGRAPH LICENSE/WORKS OF ART/ORIGINAL COMPOSITION

Licensor ("Owner"): _____

Address: _____

Phone: _____

Fax/Email: _____

Description of Footage/Still/Works of Art/Music Composition

Owner hereby grants HHCIB II Productions Inc. ("Company") and their respective parents, successors, licensees and assigns, the right, but not the obligation, to incorporate the

- Film Footage/Video Still Photograph Works of Art Original Composition

described above (the "Property") in any manner Company sees fit in Company's film or video production presently entitled "Tougher Than It Looks?" (the "Production"), and to use and authorize others to use the Property as so incorporated in the Production in the distribution, sale, licensing, marketing, advertising, promotion, exhibition and other exploitation of the Production in all markets and media (whether now known or hereafter developed), throughout the universe, in perpetuity.

Owner warrants and represents that Owner has the right to grant all rights granted herein and Producer and/or Company's use of the Property as permitted herein will not infringe on the rights of any third party. Owner will indemnify and hold Producer and/or Company, their parents, successors, licensees and assigns, harmless from and against any and all claims, damages, liabilities, costs and expenses arising out of any breach of the foregoing warranty. Owner hereby expressly waives the benefit of any provision of law known as "droit moral", moral rights or any similar law with respect to the Material. Owner acknowledges that Producer and/or Company will rely on this permission potentially, at substantial cost to Producer and/or Company and Owner hereby agrees not to assert any claim of any nature whatsoever against anyone relating to the exercise of the permissions granted hereunder.

AGREED AND ACCEPTED:

OWNER

HHCIB II PRODUCTIONS INC.

PRINTED NAME _____

PRINTED NAME: _____

SIGNATURE _____

SIGNATURE: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

C-10

C 10

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
March 14, 2016

Members Present: Mayor Sharon Schuler, Deputy Mayor Brenda Giles Councilman Parke Sutherland, Councilperson Dora Smith.

Members Absent: Councilman Terry Heston

Others Present: City Manager Julian Deleon, Human Resource Manager Brenda Marshal, Public Service Director Jason Lister, Attorney Gerald T. Buhr, Members of Press and Audience.

Mayor Sharon Schuler called the meeting to order at 6:00 P.M. The invocation was given and the Pledge of Allegiance was recited. The roll was called and a quorum was present.

City Manager Julian Deleon read the American Red Cross Proclamation into the record.

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve the Proclamation making March Red Cross month. Motion passed unanimously.

City Manager Julian Deleon presented the consent agenda. Minutes of February 22, 2016 Regular Council Meeting and the Budget Adjustment money received from the insurance company for the repair of the garbage truck.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve consent agenda as presented by City Manager Julian Deleon. Motion passed unanimously.

Attorney Gerald Buhr discussed whether to pass a resolution to lobby the Florida League of Cities or to pass a resolution to oppose the Florida Senate Bill 318 Regulation of oil and gas. Councilman Parke Sutherland requested City Manager Julian Deleon to check into this matter further.

Institute for 2nd plus term Elected Municipal Officials. April 29-30 in Tampa. Information only.

Monthly Code Enforcement Report. City Manager Julian Deleon told the Council that this was just to let them know what was going on in the City. Information only.

Deputy Mayor Brenda Giles stated the Melissa Hayes from the Chamber of Commerce wanted to address the Council. Melissa addressed the City Manager and the City Council to tell them Thank you for all the hard work they had put in to move the Spring Time on the Mall to Donaldson Park, she said the City Employees and staff had bent over backwards to help get set up.

City Manager Julian Deleon reported that the City projects were going well. He talked about the work at Donaldson Park, Paving of the driveway and lighting all around the path. He also said they had made a request to DOT to have a flashing light at the entrance of Donaldson Park to make it easier to cross Main Street.

Ordinance 04-16: Voluntary Annexation of three parcels:

First Reading

City Attorney read Ordinance 04-16 into the record

Mayor Schuler opened the public hearing.

Mayor Sharon Schuler closed the public hearing.

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve 1st reading of Ordinance 04-16 as read. Motion passed unanimously.

Ordinance 05-16: Voluntary Annexation of four parcels:

First Reading

City Attorney Gerald Buhr read Ordinance 05-16 into the record.

Mayor Sharon Schuler opened the public hearing.

City Manager Deleon explained the benefits of annexing property into the City. It cuts millage rate, reduces fire assessment.

Mayor Sharon Schuler closed the public hearing.

Motion by Deputy Mayor Brenda Giles, Seconded by Councilperson Dora Smith to approve 1st reading of Ordinance 05-16 as read. Motion passed unanimously.

Ordinance 07-16: Voluntary Annexation of approx. 9.18 acres.

First Reading.

City Attorney Gerald Buhr read Ordinance 07-16 into the record.

Mayor Sharon Schuler opened the public hearing.

Mayor Sharon Schuler closed the public hearing

Motion by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve 1st reading of Ordinance 07-16 as read. Motion passed unanimously.

Resolution 16-06: Declaring the City Council as CRA

City Attorney Gerald Buhr read the Resolution into the record

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve Resolution 16-06 as read. Motion passed unanimously.

Road Closures/Block Parties:

City Attorney Gerald Buhr discussed the immense liability of block parties. He stated there should be an ordinance with a special item for block parties and a fee structure. There was much discussion between the audience and the Council regarding this issue. Melissa Hayes from the Chamber discussed insurance, and events. She said they had great turn out, and a lot of vendors that were pleased with being in Donaldson Park.

Agreement Fire Safety Consulting:

Jim Barnard addressed the Council regarding the contracting. He asked the City Manager and the Council how they were going to make the changes and still keep the fire dept. Mayor Schuler stated that we are not under any circumstances getting rid of the fire dept. This agreement would be for only the fire inspection.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilperson Dora Smith to approve the agreement for the Fire Safety Consulting. Motion passed unanimously.

Council Compensation Review:

City Manager Julian Deleon addressed the information of other municipalities and their benefit packages for their elected officials. Mayor Sharon Schuler was against the idea of Council getting

Health Insurance. She said she was not against an increase in pay for the Council and Mayor. She felt the Council Members did not do it for the money; they did it because they liked it. She felt the Council took a lot of abuse. City Manager stated that comparatively the Council was the 2nd lowest paid municipal body. This item was tabled until the next meeting.

Meeting adjourned at 7:29 PM

Maria Sutherland, City Clerk

Sharon Schuler, Mayor

E-111

Cool and Cobb Engineering Company

March 23, 2016

Ms. Maria Sutherland
City of Avon Park
110 E. Main Street
Avon Park, FL 33825

RE: Streetscape Improvements Bids
Hal McRae Boulevard and South Delaney Avenue

Dear Ms. Sutherland:

I have reviewed the bids that were opened in your office on March 07, 2016 and have the following comments:

1) At the bid opening, two bids were received from the following:

A. L. Cobb Construction, Inc. in the amount of \$876,759.78

B. NuJak Development, Inc. in the amount of \$460,842.32

C.

2) A review of the two bids received revealed the following:

A. Both bids were complete and included the following:

- Notice of the one addendum issued was received
- Required Bonds
- Insurance Papers
- List of Suppliers
- List of Sub-Contractors
- Copy of License
- List of Completed Projects
- List of References
- Drug Free Work Place Notice
- Verifications of E-Verify

B. The two bids were very close except for one item. Bid item number, 12 which was for the street lights, had a huge difference in price:

L Cobb Construction's bid for item No. 12 was \$450,805.75

NuJack Development's bid for item No. 12 was \$ 31,875.00

I called both bidders to ask about their bid for item No. 12. I received the Carl E. Cool, P.E. following comments:

203 W. Main Street
Avon Park, FL 33825
Fla. License No. 16921

(863) 657-2323

Fax: (863) 657-2324

Email: carl@coolandcobb.com

- a. L. Cobb Construction stated they had a signed sub-contractor price for item No. 12.
 - b. NuJack stated they had missed a major portion of the requirements of item No. 12 on the bid.
- C. Attached is a letter from Mr. Frank Kendrick, CEO of NuJak Development, Inc., asking for permission to withdraw his bid.
- D. If the NuJak bid is withdrawn, there is only one bid submitted that meets specifications. The bid of L. Cobb Construction, Inc. is over the budget Grant. If the last two items on the bid (park benches and garbage receptacles) are eliminated, the bid total will be \$809,077.98, which is within the Project budget.

3) My recommendations are as follows:

- A. I recommend the City Council allow NuJak to withdraw their bid as submitted without a Bid Bond Penalty.
- B. I recommend the City Council award the Bid to L. Cobb Construction, Inc. for bid items 1 thru 13 for a bid total of \$ 809,077.78.

Sincerely,



Carl E. Cool, P.E.
Professional Engineer

Attachments (as noted)

cc: L. Cobb Construction, Inc.
NuJak Development, Inc.

AVON PARK STREETScape IMPROVEMENT PROJECT
ITB-03-16 CDBG 150B-0J-07-38-02-C 02
TUESDAY, MARCH 07, 2016
BID TABULATION SHEET
TIME: 2:00 P.M.

Bids Opened By:

Printed Name

Signature

1	<u>Carl Cool</u>	<u>[Signature]</u>
2	<u>Maria Sutherland</u>	<u>[Signature]</u>
3	_____	_____

COMPANY		BID AMOUNT
1	L Cobb Construction Inc.	\$ 876,759.78
2	NUJAK	\$ 460,842.32 460,842.32
3		\$
4		\$
5		\$
6		\$
7		\$
8		\$
9		\$
10		\$

3. "Collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s): (See Chart Below)

Total of Bid Items 1 thru 15 EIGHT HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED FIFTY NINE AND 78/100 DOLLARS	\$ 876,759.78
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All specified cash allowances are included in the price(s) set forth above, and have been computed in accordance with Paragraph 11.02 of the General Conditions.

BASIS OF BID

Bid Item No.	Description	Unit Estimated Quantity	Bid Price
1	Pavement Restoration	2,200 yd ² @ \$ 34.51 /yd ² =	\$ 75,922.00
2	Sidewalks Removed & Replaced	560 yd ² @ \$ 58.13 /yd ² =	\$ 32,552.80
3	Curb and Gutter (Type F)	1,000 L.F. @ \$ 20.40 /L.F. =	\$ 20,400.00
4	Inlets (Type S)	2 Inlets @ \$ 4639.12 /L.F. =	\$ 9278.24
5	Culverts	44 LF of 18" RCP @ \$ 92.24 /L.F. =	\$ 4,058.56
		35 LF of 15" RCP @ \$ 117.59 /L.F. =	4,115.65
6	Mitered End Section	1 Mitered End @ \$ 1255.90 /M.E.S. =	\$ 1,255.90
7	Retention Pond	470 yd ³ of Excavation @ \$ 23.43 /yd ³ =	\$ 11,012.10
8	Sod (Bahia)	1,800 yd ² @ \$ 2.75 /yd ² =	\$ 4,950.00
9	New Driveways (6" concrete)	400 yd ² @ \$ 55.57 /yd ² =	\$ 22,228.00
10	Fence (72" chain link with gate)	240 ft @ \$ 41.82 /L.F. =	\$ 10,036.80
11	Stamped Concrete (6" thick)	340 yd ² @ \$ 183.71 /yd ² =	\$ 62,461.40
12	Street Lights	25 lights @ \$ 18,032.23 /light =	\$ 450,805.75
13	Underground Utility Placement: Allowance for Duke Energy placement of overhead lines to underground lines.		\$ 100,000
14	Park Benches Installed	10 Benches @ \$ 3,386.54 /benches =	\$ 33,865.20
15	Garbage Receptacles Installed	10 Receptacles @ \$ 3,381.69 /Receptacles =	\$ 33,816.90
Total of All Bid Prices			\$ 876,759.78

425,954

3. "Collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s): (See Chart Below)

Total of Bid Items 1 thru 15	\$ <u>fourty six thirty two</u>
<u>Four hundred sixty thousand eight hundred</u>	<u>460,842.32</u>

All specified cash allowances are included in the price(s) set forth above, and have been computed in accordance with Paragraph 11.02 of the General Conditions.

BASIS OF BID

Bid Item No.	Description	Unit Estimated Quantity	Bid Price
1	Pavement Restoration	2,200 yd ² @ \$ <u>56.00</u> /yd ² =	\$ <u>123,200</u>
2	Sidewalks Removed & Replaced	560 yd ² @ \$ <u>40.10</u> /yd ² =	\$ <u>22,456</u>
3	Curb and Gutter (Type F)	1,000 L.F. @ \$ <u>19.50</u> /L.F. =	\$ <u>19,500</u>
4	Inlets (Type 5)	2 Inlets @ \$ <u>4,000.</u> /L.F. =	\$ <u>8000</u>
5	Culverts	44 L.F. of 18" RCP @ \$ <u>45.00</u> /L.F. =	\$ <u>3555</u>
		35 L.F. of 15" RCP @ \$ <u>45.00</u> /L.F. =	
6	Mitered End Section	1 Mitered End @ \$ <u>1850</u> /M.E.S. =	\$ <u>1850</u>
7	Retention Pond	470 yd ³ of Excavation @ \$ <u>65.00</u> /yd ³ =	\$ <u>30,550</u>
8	Sod (Bahia)	1,800 yd ² @ \$ <u>3.45</u> /yd ² =	\$ <u>6210</u>
9	New Driveways (6" concrete)	400 yd ² @ \$ <u>32.22</u> /yd ² =	\$ <u>12,888</u>
10	Fence (72" chain link with gate)	240 R @ \$ <u>6.35</u> /L.F. =	\$ <u>1524</u>
11	Stamped Concrete (6" thick)	340 yd ² @ \$ <u>3.95</u> /yd ² =	\$ <u>1343</u>
12	Street Lights	25 lights @ \$ <u>1,275</u> /light =	\$ <u>31875</u>
13	Underground Utility Placement: Allowance for Duke Energy placement of overhead lines to underground lines.		\$ <u>100,000</u>
14	Park Benches Installed	10 Benches @ \$ <u>1500</u> /benches =	\$ <u>15000</u>
15	Garbage Receptacles Installed	10 Receptacles @ \$ <u>1650.</u> /Receptacles =	\$ <u>16500</u>
Total of All Bid Prices			<u>460,842.32</u>

SEE ATTACHED

427-177

Date: Friday, March 11, 2016

Cool and Cobb Engineering
203 West Main Street
Avon Park, FL. 33825

Dear Carl:

We appreciate the opportunity to have worked with you thus far in the clarification of our bid. As I mentioned to you, our estimator made a terrible mistake in the calculation of the light pole installation, based on the information that he had received. As a result, we are unable to execute the work for the bid that was originally submitted. As a result, we are requesting that you allow us to withdraw our bid, without the forfeiture of our bond. He thought that the unit pricing request for the light fixtures was for the provision of the lighting and not installation.

We would welcome the opportunity to rebid this project if you elect to do so. Thank you for your consideration.

Sincerely,



Frank Kendrick
CEO

E-12

E 12



March 22, 2016

Maria Sutherland
Administrative Services Director
City of Avon Park
110 East Main Street, 2nd Floor
Avon Park, Florida 33825

RE: City of Avon Park
Bid No. 04-16
FDOT FM No. 438846-1-94-01
Jet Refueler Truck
Avon Park Executive Airport
Bid Tabulation and Summary

Dear Ms. Sutherland:

AmHerst Consulting has concluded the evaluation of the bids submitted for the project referenced above. A total of three (3) sealed bids were submitted. The bid opening took place on March 17th at 2:00 PM in the City Manager's office. After analyzing the information provided we determined that all bidders had supplied the information necessary to adequately evaluate the bids.

RESPONSIVENESS OF BIDDERS

All documentation required to be provided by the bidders was accounted for to include Addendum 1. As such, all bidders are considered responsive to the invitation to bid.

BID TABULATION

We have reviewed the bid documents provided by the City and ranked the bidders, from the lowest to the highest, based upon the total bid. The bids are tabulated below.

1.	ProFlo Industries LLC	\$110,650.00
2.	Corzo Latam Aviation LLC	\$137,995.00
3.	Garsite Progress LLC	\$197,885.00

Each truck met or exceeded the specifications provided with the bid documents. Key specifications are listed below.

SPECIFICATION	ProFlo	Corzo Latam	Garsite
Year - 2005	2005	2008	2007
**Mileage on engine/chassis	16,374	3,445	139,649
***Hours on equipment	12,639	1,218	Not Available
Engine - Diesel	Diesel	Diesel	Diesel
Transmission - Auto	Auto	Auto	Auto
3,000 gal. Tank – Aluminum or Stainless Steel	3,000 gal. Stainless Steel	3,000 gal. Aluminum	3,000 gal. Aluminum
Chassis	International	Freightliner	Freightliner

**Per direction of the City Manager the mileage of each truck was requested from the bidders. This was not an item requested in the bid documents. All three of the bidders responded.

***Each bidder was asked to provide the hours of use on the equipment (pumps, reels, etc.). This was not an item requested in the bid documents. Only ProFlo and Corzo Latam were able to provide the hours.

The mileage on the 2005 refueler submitted by ProFlo was 16,374. This indicates that the truck averaged about 4 miles per day. The hour meter indicates the average use of the equipment was approximately 3 hours per day.

The mileage on the 2008 refueler submitted by Corzo Latam was 3,445. This indicates that the truck averaged about 0.5 miles per day. The hour meter indicates the average use of the equipment was approximately 1.3 hours per day.

The mileage on the 2007 refueler submitted by Garsite was 139,649. This indicates that the truck averaged about 42 miles per day or 15,500 miles per year. Garsite stated that their truck chassis did not start as a refueler, was a conversion, and did not have an hour meter installed. It is not known what the truck was used for prior to conversion.

Ms. Sutherland
March 22, 2016
Page 3

SUMMARY

Of the three bids, the low bid was submitted by ProFlo (\$110,650.00). This is \$14,350.00 below the upset limit of \$125,000.00 (FDOT 100% funded JPA).

When comparing the **chassis year vs. mileage vs. cost**, the best value would be that submitted by Corzo Latam, whose bid was \$137,995.00. The chassis is 3 years newer than the low bid, has 12,000 fewer miles, and over 11,000 fewer hours on the equipment.

The bid submitted by ProFlo will not require funding from the City to cover the cost of the refueler. The bid submitted by Corzo Latam will require the City to pay \$12,995.00 to cover the additional cost above the upset limit of \$125,000.00, unless FDOT would be willing to issue a Supplemental JPA to cover the additional cost.

Note that according to the Invitation to Bid, the bids are only valid for a period of 15 days after bid opening. Please advise me prior to the expiration of the bid prices (April 1, 2016) of what the City has decided would be the most beneficial course of action.

If you have any questions or require additional information, please contact me at (407) 480-3553.

Sincerely,

AmHerst Consulting, LLC



Wesley L. Teel
Project Manager

cc: Julian Deleon, City of Avon Park
Jason Lister, City of Avon Park
Wendy Sands, FDOT District 1

E-13

RESOLUTION NO. 16-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, ADOPTING THE UPDATED SOUTHSIDE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida, has, by Resolution No. 15-17 adopted a Finding of Necessity for the expansion of the Southside Redevelopment Area; and

WHEREAS, Resolution No. 15-17, adopted by the City Council of the City of Avon Park, Florida determined the existence of slum blight in a certain area (the "Expansion Area") contiguous to the Southside Community Redevelopment Area of the City of Avon Park, Florida and that such area was in need of redevelopment and needed to be added to and incorporated in the existing Southside Community Redevelopment Area as provided in Section 163.361, Florida Statutes; and

WHEREAS, the City Council desires to provide for the removal of such blighted areas within the amended Southside Community Redevelopment Area pursuant to the Community Redevelopment Act of 1969, as amended, or the "Act", as contained in Florida Statutes, Chapter 163, Part III, by expansion of the boundaries of the existing Community Redevelopment Area; and

WHEREAS, the City has caused an updated redevelopment plan to be prepared that includes the Expansion Area being added to and incorporated in the existing Southside Community Redevelopment Area; and

WHEREAS, a Notice to Taxing Authorities was delivered by register mail to all taxing authorities collecting ad valorem taxes in the City of Avon Park, Florida, said notice included a copy of the updated Southside Community Redevelopment Plan; and

WHEREAS, public notice of the public hearing to adopt the updated Southside Community Redevelopment Plan was published in the Highlands Today newspaper having a general circulation in the area of operation of Avon Park, Florida, on 3-9-16, and proof of such publication is on file with the City of Avon park, Florida; and

WHEREAS, the updated Southside Community Redevelopment Plan conforms to the Comprehensive Plan of Avon Park, Florida; and

WHEREAS, after careful study and investigation, the City of Avon Park, Florida desires to approve the updated Southside Community Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Avon Park, Florida, that all statements, findings, and recitations set forth in the above and foregoing preambles are hereby determined and declared to be true and correct; and

BE IT FURTHER RESOLVED that the updated Southside Community Redevelopment Plan is hereby approved and adopted; and

SECTION 1. FINDINGS.

1. The Community Redevelopment Agency has submitted the proposed updated Southside Community Redevelopment Plan for the Southside Community Redevelopment Area, including the Expansion Area, to each taxing authority

that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the Community Redevelopment Area, as required by the Act.

2. The Community Redevelopment Agency recommends approval of the updated Southside Community Redevelopment Plan by the City Council, City of Avon Park, Florida, finding it necessary to improve the general economic, social, cultural, aesthetic, health, safety, and welfare of the community.

SECTION 3. SEVERABILITY.

If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, invalid, inoperative or void, such holding shall not affect the validity of the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, inoperative or void part, thereby causing said remainder to remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption. Dated March 28, 2016

CITY OF AVON PARK, FLORIDA

Mayor

City Clerk (SEAL)

**NOTICE OF PUBLIC HEARING FOR
THE CITY OF AVON PARK, FLORIDA**

Highlands Today and The Tampa Tribune

The City of Avon Park will hold a Public Hearing on the following item Monday, March 28, 2016, at 6:00 pm or as soon thereafter as possible. The hearing shall be held at the Avon Park City Council Chambers, 123 E. Pine Street, Avon Park, Florida.

Published Daily

Sebring, Highlands County, Florida

ORDINANCE NO. 06-16

State of Florida }
County of Highlands } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of Highlands Today & The Tampa Tribune, daily newspapers published at Sebring in Highlands County, Florida, that the attached copy of advertisement being a

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING ORDINANCE No. 822, REGARDING CREATION OF THE AVON PARK COMMUNITY REDEVELOPMENT AGENCY; REPEALING ORDINANCE NO. 02-01; REPEALING ORDINANCE NO. 03-1; ESTABLISHING THE AREA OF OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING FOR A TIME CERTAIN FOR COMPLETION OF REDEVELOPMENT ACTIVITIES THROUGH TAX INCREMENT FINANCING; PROVIDING AN EFFECTIVE DATE.

Legal Ads IN THE Highlands Today

In the matter of Legal Notices

was published in said newspaper in the issues of

Interested persons can appear and be heard on this matter at the Council Meeting by attending the meeting and signing the request form. Copies of background materials may be reviewed or obtained at the office of the City Clerk, M-F, 8:00 AM to 5:00 PM at 110 East Main Street, Avon Park, FL 33825.

03/09/2016

Affiant further says that the said Highlands Today & The Tampa Tribune are newspapers published at Sebring in said Highlands County, Florida, and that the said newspapers have heretofore been continuously published in said Highlands County, Florida, each day and have been entered as second class mail matter at the post office in Sebring, in said Highlands County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

If a person decides to appeal any decision made by the Board with respect to any matter discussed at any meeting or hearing, he will need a record of the proceedings for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based, per Florida Statute 286.0105. Verbatim transcripts are not furnished by the City. Any person with a disability requiring reasonable special accommodations in order to participate in this meeting should contact the City Clerk with the request at (863) 452-4403.

C. Pugh

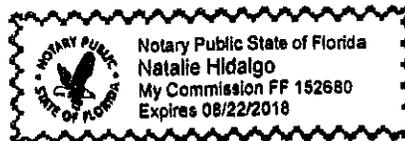
Sworn to and subscribed by me, this 9 day of Mar, A.D. 2016

#6199

03/09/2016

Personally Known or Produced Identification
Type of Identification Produced _____

Natalie Hidalgo



E-14

E 14

RESOLUTION NO. 16-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, ADOPTING THE UPDATED MAIN STREET COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida, has, by Resolution No. 14-15 adopted a Finding of Necessity for the expansion of the Main Street Redevelopment Area; and

WHEREAS, Resolution No. 14-15, adopted by the City Council of the City of Avon Park, Florida determined the existence of slum blight in a certain area (the "Expansion Area") contiguous to the Main Street Community Redevelopment Area of the City of Avon Park, Florida and that such area was in need of redevelopment and needed to be added to and incorporated in the existing main Street Community Redevelopment Area as provided in Section 163361, Florida Statutes; and

WHEREAS, the City Council desires to provide for the removal of such blighted areas within the amended Main Street Community Redevelopment Area pursuant to the Community Redevelopment Act of 1969, as amended, or the "Act", as contained in Florida Statutes, Chapter 163, Part III, by expansion of the boundaries of the existing Community Redevelopment Area; and

WHEREAS, the City has caused an updated redevelopment plan to be prepared that includes the Expansion Area being added to and incorporated in the existing Main Street Community Redevelopment Area; and

WHEREAS, a Notice to Taxing Authorities was delivered by register mail to all taxing authorities collecting ad valorem taxes in the City of Avon Park, Florida, said notice included a copy of the updated main Street Community Redevelopment Plan; and

WHEREAS, public notice of the public hearing to adopt the updated main Street Community Redevelopment Plan was published in the Highlands, Today, a newspaper having a general circulation in the area of operation of Avon Park, Florida, on 3-9-14, and proof of such publication is on file with the City of Avon park, Florida; and

WHEREAS, the updated Main Street Community Redevelopment Plan conforms to the Comprehensive Plan of Avon Park, Florida; and

WHEREAS, after careful study and investigation, the City of Avon Park, Florida desires to approve the updated Main Street Community Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Avon Park, Florida, that all statements, findings, and recitations set forth in the above and foregoing preambles are hereby determined and declared to be true and correct; and

BE IT FURTHER RESOLVED that the updated Main Street Community Redevelopment Plan is hereby approved and adopted; and

SECTION 1. FINDINGS.

1. The Community Redevelopment Agency has submitted the proposed updated Main Street Community Redevelopment Plan for the Main Street Community Redevelopment Area, including the Expansion Area, to each taxing authority that levies ad valorem taxes on taxable real property contained within the

geographic boundaries of the Community Redevelopment Area, as required by the Act.

2. The Community Redevelopment Agency recommends approval of the updated Main Community Redevelopment Plan by the City Council, City of Avon Park, Florida, finding it necessary to improve the general economic, social, cultural, aesthetic, health, safety, and welfare of the community.

SECTION 3. SEVERABILITY.

If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, invalid, inoperative or void, such holding shall not affect the validity of the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, inoperative or void part, thereby causing said remainder to remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption. Dated March 28, 2016

CITY OF AVON PARK, FLORIDA

Mayor

City Clerk (SEAL)

E-15

E 15

RESOLUTION NO. 16-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, ADOPTING THE UPDATED AIRPORT COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida, has, by Resolution No. 01-19 adopted a Finding of Necessity for the Airport Redevelopment Area; and

WHEREAS, the City Council desires to provide for the removal of such blighted areas within the amended Airport Community Redevelopment Area pursuant to the Community Redevelopment Act of 1969, as amended, or the "Act", as contained in Florida Statutes, Chapter 163, Part III; and

WHEREAS, the City has caused an updated redevelopment plan to be prepared for the Airport Community Redevelopment Area; and

WHEREAS, a Notice to Taxing Authorities was delivered by register mail to all taxing authorities collecting ad valorem taxes in the City of Avon Park, Florida, said notice included a copy of the updated Airport Community Redevelopment Plan; and

WHEREAS, public notice of the public hearing to adopt the updated Airport Community Redevelopment Plan was published in the Highlands Today, a newspaper having a general circulation in the area of operation of Avon Park, Florida, on 3-9-14, and proof of such publication is on file with the City of Avon park, Florida; and

WHEREAS, the updated Airport Community Redevelopment Plan conforms to the Comprehensive Plan of Avon Park, Florida; and

WHEREAS, after careful study and investigation, the City of Avon Park, Florida desires to approve the updated Airport Community Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Avon Park, Florida, that all statements, findings, and recitations set forth in the above and foregoing preambles are hereby determined and declared to be true and correct; and

BE IT FURTHER RESOLVED that the updated Airport Community Redevelopment Plan is hereby approved and adopted; and

SECTION 1. FINDINGS.

1. The Community Redevelopment Agency has submitted the proposed updated Airport Community Redevelopment Plan for the Airport Community Redevelopment Area to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the Community Redevelopment Area, as required by the Act.
2. The Community Redevelopment Agency recommends approval of the updated Airport Community Redevelopment Plan by the City Council, City of Avon Park, Florida, finding it necessary to improve the general economic, social, cultural, aesthetic, health, safety, and welfare of the community.

SECTION 3. SEVERABILITY.

If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, invalid, inoperative or void, such holding shall not affect the validity of the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, inoperative or void part, thereby causing said remainder to remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption. Dated March 28, 2016

CITY OF AVON PARK, FLORIDA

Mayor

City Clerk (SEAL)

**NOTICE OF PUBLIC HEARING FOR
THE CITY OF AVON PARK, FLORIDA**

Highlands Today and The Tampa Tribune

Published Daily

The City of Avon Park will hold a Public Hearing on the following item Monday, March 28, 2016, at 6:00 pm or as soon thereafter as possible. The hearing shall be held at the Avon Park City Council Chambers, 123 E. Pine Street, Avon Park, Florida.

Sebring, Highlands County, Florida

ORDINANCE NO. 06-16

State of Florida)
County of Highlands) SS.

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING ORDINANCE No. 822, REGARDING CREATION OF THE AVON PARK COMMUNITY REDEVELOPMENT AGENCY; REPEALING ORDINANCE NO. 02-01; REPEALING ORDINANCE NO. 03-1; ESTABLISHING THE AREA OF OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING FOR A TIME CERTAIN FOR COMPLETION OF REDEVELOPMENT ACTIVITIES THROUGH TAX INCREMENT FINANCING; PROVIDING AN EFFECTIVE DATE.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of Highlands Today & The Tampa Tribune, daily newspapers published at Sebring in Highlands County, Florida, that the attached copy of advertisement being a

Legal Ads IN THE Highlands Today

In the matter of Legal Notices

was published in said newspaper in the issues of

03/09/2016

Interested persons can appear and be heard on this matter at the Council Meeting by attending the meeting and signing the request form. Copies of background materials may be reviewed or obtained at the office of the City Clerk, M-F, 8:00 AM to 5:00 PM at 110 East Main Street, Avon Park, FL 33825.

Affiant further says that the said Highlands Today & The Tampa Tribune are newspapers published at Sebring in said Highlands County, Florida, and that the said newspapers have heretofore been continuously published in said Highlands County, Florida, each day and have been entered as second class mail matter at the post office in Sebring, in said Highlands County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

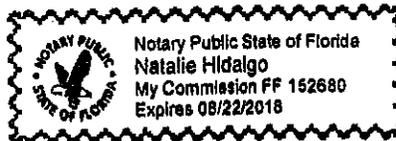
If a person decides to appeal any decision made by the Board with respect to any matter discussed at any meeting or hearing, he will need a record of the proceedings for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based, per Florida Statute 286.0105. Verbatim transcripts are not furnished by the City. Any person with a disability requiring reasonable special accommodations in order to participate in this meeting should contact the City Clerk with the request at (863) 452-4403.

Sworn to and subscribed by me, this 9 day of Mar, A.D. 2016

#6199

03/09/2016

Personally Known or Produced Identification
Type of Identification Produced _____



E-16

E 16

ORDINANCE NO. 06-16

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING ORDINANCE No. 822, REGARDING CREATION OF THE AVON PARK COMMUNITY REDEVELOPMENT AGENCY; REPEALING ORDINANCE NO. 02-01; REPEALING ORDINANCE NO. 03-1; ESTABLISHING THE AREA OF OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING FOR A TIME CERTAIN FOR COMPLETION OF REDEVELOPMENT ACTIVITIES THROUGH TAX INCREMENT FINANCING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on February 22, 1988, adopted Resolution No. 18-87-88 (the "Findings" Resolution), finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"), exist in the City of Avon Park, Florida (the "City"), and it further found that the rehabilitation, conservation, or redevelopment, or combination thereof , of such area is necessary in the interest of public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on August 27, 2001, adopted Resolution No. 01-18, (the "Findings" Resolution) for the Southside redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), adopted Resolution No. 01-19 the "Findings" Resolution for the Airport redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on July 14, 2003, adopted Resolution No. 03-11 the "Findings" Resolution for the expansion of the Main Street Redevelopment Area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council further found in the Findings Resolutions that a need exists for the creation of a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act") for the purpose of rehabilitating the Community Redevelopment Areas and eradicating conditions of slum or blight, or both, therein; and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on July 14, 2003, adopted Resolution No. 01-19 the "Findings" Resolution for the Airport redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, to satisfy the need for such a community redevelopment agency, the City Council adopted Ordinance No. 822, creating such an agency in accordance with the provisions of the Redevelopment Act, pursuant to Section 163.356, Florida Statutes (1987), as amended, and thereby created a public body corporate and politic to be known as the Community Redevelopment Agency of the City of Avon Park, Florida (the "Community Redevelopment Agency"); and

WHEREAS, the City also adopted Ordinance No. 02-01, creating the Southside Community Redevelopment Agency contrary to Section 163.356, Florida Statutes (1987), as amended; and

WHEREAS, the City also adopted Ordinance No. 03-01, creating the Airport Community Redevelopment Agency contrary to Section 163.356, Florida Statutes (1987), as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

SECTION 1. Ordinance No. 822, which established the original Community Redevelopment Agency and Community Redevelopment Area, is amended to include the redevelopment areas known as the Southside Community Redevelopment Area and the Airport Community Redevelopment Area, which were created by ordinances of the City of Avon Park, Florida.

SECTION 2. This Section is hereby repealed, and the City Council shall, by Resolution, declare themselves to be the commissioners of the Community Redevelopment Agency.

SECTION 3. The Community Redevelopment Agency shall be governed by and shall act in conformity with the provisions of the Redevelopment Act and this ordinance, as either shall be amended from time to time.

SECTION 4. The area of operation of the Community Redevelopment Agency shall be the Redevelopment Areas as described in the Findings Resolutions in Exhibit "A," Exhibit "B," Exhibit "C," Exhibit "D," and Exhibit "E," attached hereto.

SECTION 5. Regardless of any powers granted to the Community Redevelopment Agency by the Redevelopment Act, the City Council shall retain and may exercise the power set forth and described in Section 163.370, Florida Statutes (1987), as amended, and the following powers, which continue to remain vested in the City Council:

1. The power to determine an area to be a slum, or blighted area, or combination thereof; to designate such area appropriate for community redevelopment; and to hold a public hearing required with respect thereto.
2. The power to grant final approval to community redevelopment plans and modifications thereof.
3. The power to authorize the issuance of revenue bonds as set forth in Section 163.385, Florida Statutes (1987), as amended.
4. The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes (1987), as amended, and the power to assume the responsibility to bear loss as provided in Section 163.370(3), Florida Statutes (1987), as amended.

SECTION 6. There is hereby created a single Community Redevelopment Trust fund, for collection of ad valorem taxes in accordance with Section 163.387, Florida Statutes (1987), as amended.

SECTION 7. The time certain for completion of all redevelopment in the area of operation of the Community Redevelopment Agency, through the use of tax increments deposited into the Redevelopment Trust Fund, shall be twenty (20) years from date of adoption of the Resolutions approving the amendments to the Community Redevelopment Plans, including the Main Street Community Redevelopment Plan, the Southside Community Redevelopment Plan, and the Airport Community Redevelopment Plan; as such plans may be amended from time to time, but in no instance shall the time certain for completion of redevelopment activities be longer than that allowed by Section 163.387(2)(a), Florida Statutes (1987), as amended.

SECTION 8. The City Clerk is hereby authorized and directed to send a certified copy of this ordinance to each "taxing authority" (as that term is defined in Section 163.340(24), Florida Statutes (1987), as amended.

SECTION 9. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed.

SECTION 10. If any word, sentence, clause, phrase or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 11. This ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA

Mayor

City Clerk

ORDINANCE NO. 822

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, MAKING FINDINGS; CREATING THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF AVON PARK; ESTABLISHING THE AREA OF OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council"), on February 22, 1988, adopted its Resolution No. 18-87-88 (the "Findings Resolution"), finding that one or more slum or blighted areas, as described in said resolution (the "Community Redevelopment Area"), exist in the City of Avon Park, Florida (the "City"), and it further finds that the rehabilitation, conservation, or redevelopment, or combination thereof, of such area is necessary in the interest of public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council further found in the Findings Resolution that a need exists for the creation of a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act") for the purpose of rehabilitating the Community Redevelopment Area and eradicating conditions of slum or blight, or both, therein; and

WHEREAS, to satisfy the need for such a community redevelopment agency, it is necessary for the City Council to adopt an ordinance creating such an agency in accordance with the provisions of the Redevelopment Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

SECTION 1. Pursuant to Section 163.356, Florida Statutes (1987), as amended, there is hereby created a public body corporate and politic to be known as the Community Redevelopment Agency of the City of Avon Park, Florida (the "Community Redevelopment Agency").

SECTION 2. Pursuant to Section 163.356(2), Florida Statutes (1987), as amended, the following individuals are hereby appointed to be the initial members of the board of commissioners of the Community Redevelopment Agency created in Section 1:

Robert King III
Morris Adams III
Robert Palmer
Gary Bagwell
Nell Roberts

The terms of office of the members of the board of commissioners of the Community Redevelopment Agency shall be for four (4) years, except that the terms of the following members shall be as follows: Nell Roberts, (1) year; Gary Bagwell, (2) years; and Robert Palmer, (3) years, respectively, from the date of their appointment, and all other members of the board of commissioners shall serve a term of four (4) from the date of their appointment. Any vacancy occurring during the term of any member of the board of commissioners shall be filled by an appointment made by the City Council of an individual to serve for the unexpired portion of the term.

SECTION 3. The Community Redevelopment Agency shall be governed by and shall act in conformity with the provisions of the Redevelopment Act and this ordinance, as either shall be amended from time to time.

SECTION 4. The area of operation of the Community Redevelopment Agency shall be the Redevelopment Area as described in the Findings Resolution and in Exhibit "A" attached hereto.

SECTION 5. Regardless of any powers granted to the Community Redevelopment Agency by the Redevelopment Act, the City Council shall retain and may exercise the power set forth and described in Section 163.370, Florida Statutes (1987), as amended, and the following powers, which continue to remain vested in the City Council:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such areas appropriate for community redevelopment; and to hold a public hearing required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in Section 163.385, Florida Statutes (1987), as amended.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes (1987), as amended, and the power to assume the responsibility to bear loss as provided in Section 163.370(3), Florida Statutes (1987), as amended.

SECTION 6. The City Clerk is hereby authorized directed to send a certified copy of this ordinance to each "taxing authority" (as that term is defined in Section 163.340(2), Florida Statutes (1987), as amended).

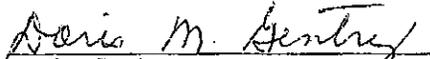
SECTION 7. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed.

SECTION 8. If any word, sentence, clause, phrase or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 9. This ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED this 28th day of March, 1988.

CITY OF AVON PARK, FLORIDA


Doris Gentry
Mayor

(SEAL)

ATTEST


V. Henderson
City Clerk

Southside

ORDINANCE NO. 02-01

AN ORDINANCE OF THE CITY OF AVON, FLORIDA, MAKING FINDING; CREATING AN SOUTHSIDE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF AVON PARK; ESTABLISHING THE AREA OF OPERATING OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council"), on August 27, 2001, adopted its Resolution No. 01-18 (the "Findings Resolution"), described in said resolution (the "Southside Community Redevelopment Area"), exist in the City of Avon Park Florida (the "City"), and it further finds that the rehabilitation and conservation, thereof, is necessary in the interest of public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council further found in the Findings Resolution that a need exists for the creation of a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act") for the purpose of rehabilitating the Southside Community Redevelopment Area and eradicating conditions of slum or blight, or both, therein; and

WHEREAS, to satisfy the need for such a community redevelopment agency, it is necessary for the City Council to adopt an ordinance creating such an agency in accordance with the provisions of the Redevelopment Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

SECTION 1.1.1 Pursuant to Section 163.356, Florida Statutes (1987), as amended, there is hereby created a public body corporate and politic to be known as the Southside Community Redevelopment Agency of the City of Avon Park, Florida (the "Community Redevelopment Agency").

SECTION 1.1.2 Definitions.

The following terms, wherever used or referred to in this part, have the following meanings:

Agency or Southside Community Redevelopment Agency means a public agency created and designated pursuant to Section 163.356, Florida Statutes (1997).

Area of Operation means the area within the corporate limits of the city as defined in Section 1.1.5(1)

Blighted Area means either:

- (1) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of the county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:
 - (1) Predominance of defective or inadequate street layout;
 - (2) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - (3) Unsanitary or unsafe conditions;
 - (4) Deterioration of site or other improvements;
 - (5) Tax or special assessment delinquency exceeding the fair market value of the land; and
 - (6) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (2) An area in which there exists faulty or inadequate street

layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed constructions.

Board means the governing board of the community redevelopment agency.

Bonds means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

Commissioner means a member of the Southside Community Redevelopment Agency board.

Community Redevelopment or Redevelopment means undertakings, activities, or projects of the city or Southside Community Redevelopment Agency in the Southside Community Redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation of the community redevelopment area in accordance with the Southside Community Redevelopment Plan and may include the preparation of such a plan.

Southside Community Redevelopment Area means the community redevelopment area, the geographical boundaries of which are described in Section 1.1.5(1) of this Ordinance.

Southside Community Redevelopment Plan means the plan, as it is amended from time to time, for the Southside Community Redevelopment area, which plan is adopted in Section 1.1.10 of this ordinance.

Council or City Council means the governing body or City Council of the City of Avon Park, Florida.

Debt Service Millage means any millage levied pursuant to Section 12 of Article VII of the State Constitution.

Increment Revenue means the amount calculated pursuant to Section 163.387(1). Florida Statutes.

Obligee means to include a bondholder, agents or trustees for any bondholders, or lessor of property to the city, or the community redevelopment agency, property used in connection with community redevelopment or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the city.

Real Property means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including, but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

Related Activities means:

- (1) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a community wide plan or program pursuant to Section 163.365, Florida Statutes;
- (2) The functions related to the acquisition and disposal of real property pursuant to Section 163.370(3), Florida Statutes; or
- (3) The development of affordable housing for residents of the area.

Slum Area means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes;

or any combination of such factors is conducive to ill health, transmission or disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, or welfare.

SECTION 1.1.3 Powers of the City Council.

The following powers shall continue to vest in the council of the city:

- (1) The power to rename or designate the name of said community redevelopment agency;
- (2) The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for the community redevelopment project, and to hold any public hearings required with respect thereto;
- (3) The power to grant final approval to the Southside Community Redevelopment Plan and modifications thereof;
- (4) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in Section 163.385, Florida Statutes, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Southside Community Redevelopment Agency to undertake the issuance of specific bond issues.
- (5) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes, and the power to assume the responsibility to hear loss as provided therein, although pursuant to Section 1.1.6 (b), of this ordinance, the City Council may authorize the Southside Community Redevelopment Agency to undertake the acquisition, demolition, removal, or disposal of and on specific parcels of property.
- (6) The power to conduct eminent domain or otherwise dispose of property pursuant to Sections 163.375 and 163.380, Florida Statutes, although pursuant to Section 1.1.6 (b), of this ordinance, the City Council may authorize the Southside Community Redevelopment Agency to undertake the acquisition of specific parcels of real property through eminent domain or otherwise dispose of specific parcels of property;
- (7) The power to create a redevelopment trust fund pursuant to Sections 163.387, Florida Statutes, and for the purposes set forth in said section;
- (8) The power to zone or rezone any part of the Southside Community Redevelopment area or make exceptions from building regulations, and to enter into agreements with a housing authority, which agreements may extend over a period, notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the City of Avon Park pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;
- (9) The power to close or vacate streets, roads, sidewalks, ways, or other places within the Southside Community Redevelopment area;
- (10) The power to establish such new office(s) of the city or to organize existing office(s) in order to carry out the remedying of slum and blighted areas and preventing the causes thereof most effectively;
- (11) The power to approve or amend neighborhood and community-wide plan (and modifications) thereof, pursuant to Section 163.365, Florida Statutes;
- (12) The power to acquire a slum area or a blighted area or a portion thereof; or to install, construct, or reconstruct public infrastructure, all as provided for in Section 163.370, Florida Statutes, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Southside Community Redevelopment Agency to undertake such activities; and

- (13) The power to dispose of any properties acquired in the Southside Community Redevelopment area at their fair value for uses in accordance with the Southside Community Redevelopment Plan, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Southside Community Redevelopment Agency to dispose of specific properties acquired within the Southside Community Redevelopment area at their fair value for uses in accordance with the Southside Community Redevelopment Plan.

SECTION 1.1.4 Creation of Southside Community Redevelopment Agency board; composition; terms; appointment of chairperson and vice-chairperson.

- (1) Pursuant to Resolution No. 01-18 of the City Council, dated August 27, 2001, and Section 163.356, Florida Statutes, the Southside Community Redevelopment Agency board shall consist of seven (7) commissioners. Seven (7) persons shall be appointed from time to time by the City Council to serve as agency commissioners. A certificate of appointment shall be filed with the City Manager and is due and conclusive evidence of due and proper appointment of such commissioner.
- (2) Except for the initial commissioners, appointees shall serve terms of four (4) years each. Each commissioner shall serve until his or her successor has been appointed and has qualified.
- (3) In the event of death, resignation, or removal from office of a commissioner, any individual appointed to fill a vacancy shall fill the remainder of the term of the person whose actions created the vacancy in office.
- (4) Any person may be appointed to serve as a commissioner on the board if he or she resides, or is engaged in business, within the Southside Community Redevelopment Area, and is otherwise eligible for such appointment pursuant to Part III, Chapter 163, Florida Statutes. For the purposes of this provision, engaged in business means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged.
- (5) Agency commissioners may be removed from office as provided by Section 163.356(4), Florida Statutes.
- (6) Annually, on or about June of each year, the City Council shall name a chairperson and vice-chairperson of the board, who must also be commissioners of said board at all times during their tenure as chairperson or vice-chairperson.

SECTION 1.1.5 Jurisdictional area of Community Redevelopment Agency.

- (1) The jurisdictional boundaries of the Southside Community Redevelopment Agency are lying wholly within the City of Avon Park as follows:

That part of Sections 22, 23, 26 and 27, Township 33 South, Range 28 East, City Of Avon Park, Highlands County, Florida, being more particular described as follows:

- (1) Beginning at intersection of the centerline of Highlands Avenue with the South line of said Section 26; thence Westerly along said South line to its intersection with the waters edge of Lake Lelia; thence Northwesterly across Lake Lelia to the intersection of tile centerline of South Lake Avenue with the waters edge of Lake Lelia; thence Northerly along the centerline of South Lake Avenue to its intersection with the centerline of West Fourth Street; thence Westerly along the centerline of West Fourth Street to its intersection with the centerline of South Lake Boulevard; thence Northerly along the centerline of South Lake Boulevard to its intersection with the centerline of Hal McRae Boulevard; thence Easterly along the extension of the centerline of Hal McRae Boulevard to its intersection with the waters

edge of Lake Tulane; thence Northeasterly across Lake Tulane to the intersection of the Easterly line of Lot 12, Block 36, Town of Avon Park, recorded in Plat Book I, Page 58, Public Records of DeSoto County, Florida (of which Highlands County was formerly a part) with the waters edge of Lake Tulane; thence Northeasterly along the Easterly line of said Lot 12 to its intersection with the Westerly right-of-way line of the CSX Systems Railroad (formerly SAL Railroad); thence Northwesterly along said railroad right-of-way line to its intersection with a line extended Westerly from the centerline of State Street; thence Easterly along said line and the centerline of State Street and the Easterly extension thereof to its intersection with the centerline of Lotela Avenue; thence Southerly along the centerline of Lotela Avenue and the Southerly extension thereof to its intersection with the waters edge of Lake Lotela; thence Southerly along the Westerly Shoreline of Lake Lotela to its intersection with the South line of said Section 26; thence Westerly along said South line to the said Point of Beginning.

- (2) Said legal description of the jurisdictional boundaries of the Southside Community Redevelopment Agency was certified to and prepared by Chastain Skillman Inc., a professional land surveyor, see (Exhibits A & B) as further identified in Ordinance No. 02-01.

SECTION 1.1.6 Powers of Redevelopment Agency Board.

- (1) The Southside Community Redevelopment Agency is vested with the following powers pursuant to Section 163.370, Florida Statutes, and Resolution, of Highlands County:
 - (1) The power to conduct surveys or other boundary examinations to adjust or otherwise modify the boundaries of the Community Redevelopment Agency;
 - (2) The power to operate the Southside Community Redevelopment Agency as generally described and specified in Section 163.356, Florida Statutes;
 - (3) The power to give public notice, from time to time, as specified in Part III, Chapter 163, Florida Statutes;
 - (4) The power to prepare a Southside Community Redevelopment Plan and modifications thereof, all pursuant to Section 163.360, 163.361, 163.362, Florida Statutes, and recommending the same for approval to the City Council;
 - (5) The power to prepare and recommend to the City Council for adoption a neighborhood and community-wide plan (and modifications) thereof, pursuant to Section 163.365, Florida Statutes;
 - (6) The power to operate and maintain a redevelopment trust fund pursuant to Section 163.387, Florida Statutes, and for the purposes set forth in said section, once the fund has been created by the City Council;
 - (7) The power to make and execute contracts and other instruments necessary or convenient to the exercise of the powers under Part III, Chapter 163, Florida Statutes;
 - (8) The power to disseminate slum clearance and community redevelopment information;
 - (9) The power to provide, or to arrange or contract and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of the community redevelopment and related activities, and to fulfill such of the conditions as it deems reasonable and appropriate;

- (10) Within the Southside Community Redevelopment area, the power:
- (1) To the extent authorized by law to enter in buildings or property in the Southside Community Redevelopment area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from the court of competent jurisdiction in the event entry is denied or resisted;
 - (2) To acquire by purchase, lease, option, gift, grant, bequest, devise, or otherwise any real property (or personal property for its administrative purposes) together with any improvements thereon;
 - (3) To hold, improve, clear, or prepare for development of any such property;
 - (4) To the extent authorized by law to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;
 - (5) To insure or provide for the insurance of any real or personal property or operations against any rises or hazards, including the power to pay premiums on any such insurance;
 - (6) To enter into any contracts necessary to effectuate the purposes of Part III, Chapter 163, Florida Statutes; and
 - (7) To solicit requests for proposals for redevelopment of parcels of real property contemplated by a Southside Community Redevelopment Plan to be acquired for redevelopment purposes by the Southside Community Redevelopment Agency and as a result of such request for proposals to advertise for the disposition of such real property to private persons pursuant to Section 163.380, Florida Statutes, prior to acquisition of such real property by the community redevelopment agency;
- (11) The power to invest in any community redevelopment fund held in reserve for sinking funds or any such funds and required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as may have been issued pursuant to Section 163.385, Florida Statutes, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed for purchase being cancelled;
- (12) The power to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government or the state, county, or other public body or from any sources public or private, for the purposes of Part III, Chapter 163, Florida Statutes, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith, and to include in any contracts for financial assistance with the federal government for or with respect to community redevelopment and related activities such conditions and powers pursuant to federal law as the city deems reasonable and appropriate which are not inconsistent with the purposes of this Part III, Chapter 163, Florida Statutes;
- (13) Within the city, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part, to contract with any person, public or private, in making and carrying out such plans, and to adopt or approve, modify, and amend such plans, with plans that include the plans specified as follows:

- (1) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
 - (2) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment projects and related activities; and
 - (3) Plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;
- (14) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and other blight and developing and demonstrating new or improved means of providing housing for families and persons of low income;
 - (15) The power to apply for, accept, and utilize grants or funds from the federal government for such purposes;
 - (16) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations, and others) displaced from the Southside Community Redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;
 - (17) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of Part III, Chapter 163, Florida Statutes, to recommend to the City Council the zoning or rezoning of any part of the municipality or to make exceptions from building regulations, and to recommend to the city the making of agreement(s) with a housing authority, which agreement(s) may extend over a period notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the City of Avon Part pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;
 - (18) The power to recommend to the City Council closure or vacation of streets, roads, sidewalks, ways, or other places within the Southside Community Redevelopment area, and to plan or replan any part of the Southside Community Redevelopment area, subject to City Council concurrence;
 - (19) The power to organize, coordinate and direct the administration of the provisions of Part III, Chapter 163, Florida Statutes, as they may apply to the Southside Community Redevelopment area in order that the objective of remedying slum and blighted areas, and preventing the causes thereof, within the Southside Community Redevelopment area may be most effectively promoted and achieved;
 - (20) With the prior approval of the City Council, the Southside Community Redevelopment Agency may (prior to the approval of the Southside Community Redevelopment Plan or approval of any modification of the said plan) acquire real property in the Southside Community Redevelopment area, demolish and renew any structures on the property, and pay all costs related to the acquisition, demolition, or removal thereof, including any administrative or relocation expenses; provided that the Southside Community Redevelopment Agency assumes the responsibility to bear any loss that may arise as the result of the exercise of authority under Section 163.370(3), Florida Statutes, in the event that the real

property is not made part of the Southside Community Redevelopment area;

- (21) The power to obtain services of an attorney to serve as legal counsel, to employ an executive director and employees (permanent or temporary), to determine their respective qualifications, compensation, and duties, and to annually prepare and file with the governing body and the Florida Auditor General, a report of activities, including but not limited to a complete financial statement;
- (22) The power to undertake and carry out community redevelopment and related activities within the Southside Community Redevelopment area, all as provided for in Section 163.370, Florida Statutes; provided that certain redevelopment and related activities shall require pre-approval by the City Council as set forth in Subsection (b) of this section; and
- (23) The power to exercise all or any part or combination of the powers herein granted.
- (24) Subject to prior authorization by the City Council, the Southside Community Redevelopment Agency is vested with the following powers:
 - (1) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in Section 163.385, Florida Statutes;
 - (2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided therein;
 - (3) The power to conduct eminent domain or otherwise dispose of property pursuant to Sections 163.375 and 163.380, Florida Statutes;
 - (4) The power to undertake and carry out within the Southside Community Redevelopment area acquisition of a slum area or a blighted area or a portion thereof; or the installation, construction, or reconstruction of public infrastructure; and
 - (5) The power to dispose of any properties acquired in the Southside Community Redevelopment area at their fair value for uses in accordance with the Southside Community Redevelopment Plan.

SECTION 1.1.7 Officers of Community Redevelopment Agency; rules of procedure; sessions; meetings open to the public.

- (1) The chairperson shall preside at all meetings of the community redevelopment agency. In the absence, incapacitation, or disqualification of the chairperson, or upon the chairperson's refusal to act as directed by the Community Redevelopment Agency, the vice-chairperson shall preside at all meetings of the Community Redevelopment Agency.
- (2) The presence of four (4) members shall constitute a quorum of the agency board to meeting purposes. Action may be taken by the agency upon a vote of a majority of the agency commissioners present, unless agency rules require a larger number.
- (3) The board shall utilize The Scott, Foresman Roberts Rules of Order Newly Revised (9th ed. 1990), as the official rules of procedure. The board is authorized to make such other rules as appropriate, which rules may supersede, Roberts Rules of Order Newly Revised.
- (4) A session of the board shall commence on January first and terminate on December thirty-first of each year.
- (5) All meetings of the board and an agenda of said meeting shall

be advertised at least three (3) days prior to said meeting by posting a notice at city hall setting forth the time, place, and date of said meeting and an agenda of said meeting. The meeting notice should also specify that more than one member of the City Council may be in attendance at the meeting and may participate in discussions.

- (6) Minutes shall be taken at all agency governing board, committee, sub-committee, and ad hoc committee meetings. Consistent with the Governmental-in-the-Sunshine Act, Section 286.011, Florida Statutes, all meetings of the board, agency committees, sub-committees, and ad hoc committees shall be open to the public.

SECTION 1.1.8 Duration of Agency.

Unless extended by resolution of the City Council to amend Resolution No. 01-19: 1) the delegation of authority provided in the City of Avon Park Resolution No. 01-18, shall terminate on 2022, 20 years after the date of delegation of authority to create the Southside Community Redevelopment Agency by virtue of the City of Avon Park Resolution No. 01-18. Thereupon, the Southside Community Redevelopment Agency shall cease to exist as the Southside Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes.

SECTION 1.1.9 Agency Annual Budget.

- (1) Consistent with Section 163.387, Florida Statutes, the Southside Community Redevelopment Agency shall adopt a fiscal year budget.
- (2) The Southside Community Redevelopment Agency shall not expend in any one Southside Community Redevelopment Agency fiscal year more than twenty-five percent (25%) of the tax increment revenues raised for that fiscal year pursuant to Section 163.387, Florida Statutes, on administrative expenses. For the purpose of this section, the term administrative expenses includes personnel costs (i.e.: salary and fringe benefits) of Southside Community Redevelopment Agency staff, office equipment and supplies, operating overhead (office space, electricity and utilities for office), postage, printing or copying charges, travel costs, seminar costs, and similar direct expenses of the Community Redevelopment Agency. Allocations of costs in the Southside Community Redevelopment Agency construction or consultant contract for administrative costs of the contractor are not included within the twenty-five percent (25%) cap.

SECTION 1.1.10 Southside Community Redevelopment Plan approved.

- (2) The City Council finds, declares and determines that the matters set forth in the Community Development Plan, prepared by Community Planning and Economic Development Associates, pursuant to Section 163.360, Florida Statutes, are true and correct, approved, and are incorporated herein by this reference.
- (3) Finding of conformance with comprehensive plan. The City Council hereby finds, determines and declares that the Southside Community Redevelopment Plan confirms to the general comprehensive plan of the city as a whole.
- (4) Finding of adequacy of recreational facilities. The City Council hereby finds, determines and declares that the Southside Community Redevelopment Plan gives due consideration to the provision of adequate park and recreational areas and facilities that be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan.
- (5) Finding of relocation. The City Council finds that a feasible method exists for the relocation of families who will be displaced from the Southside Community Redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families.

- (6) Finding of maximum opportunity. The City Council hereby finds that the Southside Community Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the entire Southside Community Redevelopment area by private enterprise.
- (7) The City Council does hereby adopt the Southside Community Redevelopment Plan as the Southside Community Redevelopment Plan for the redevelopment area and authorizes and directs the Southside Community Redevelopment Agency to proceed with the implementation of the plan.

SECTION 1.1.11 Redevelopment Trust Fund created.

- (1) There is hereby established and created, in accordance with the provisions of the Act, a community redevelopment trust fund (the fund) for the Southside Community Redevelopment area, which 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 including any community redevelopment, as that term is defined in Section 163.340(9), Florida Statutes, under the plan.
- (2) The monies to be allocated to and deposited into the Fund shall be used to finance a community redevelopment within the Southside Community Redevelopment area according to tax increment revenues attributed to the Southside Community Redevelopment area, which shall be appropriated by the agency. The agency shall utilize the funds and revenues paid into and earned by the fund for community redevelopment purposes as provided in the plan and as permitted by law. The fund shall exist for the duration of the community redevelopment undertaken by the agency pursuant to the plan to the extent permitted by the Act. (Monies shall be held in the fund by the city for and on behalf of the agency, and disbursed from the fund as provided by the agency.)
- (3) There shall be paid into the fund each year by each of the taxing authorities, as that term is defined in Section 163.340(2), Florida Statutes, levying ad valorem taxes within the Southside Community Redevelopment area, a sum equal to ninety-five percent (95%) of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with Section 1.1.11(5) hereof of the Act, based on the base tax year established in Section 1.1.11(4) hereof (such annual sum being hereinafter referred to as the tax increment fund).
- (4) The most recent assessment roll used in connection with the taxation of property prior to the effective date of the ordinance from which this section derives shall be the preliminary assessment roll of taxable real property in Highlands County, prepared by the property appraiser of Highlands County, and filed with the Department of Revenue pursuant to Section 193.1142, Florida Statutes (1997), reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 2001 (the base year value, and all deposits into the fund shall be in the amount of tax increment calculated as provided in Section 1.1.11(5) hereof based upon increases in valuation of taxable real property from the base year value.
- (5) The tax increment shall be determined and appropriated annually by each taxing authority, and shall be an amount equal to ninety-five percent (95%) of the difference between:
 - (1) The amount of ad valorem taxes levied each year by all taxing authorities on taxable real property located within the geographic boundaries of the Southside Community Redevelopment area; and
 - (2) That amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities, upon the total of the assessed value of the taxable real property in the

Southside Community Redevelopment area as shown upon the assessment roll used in connection with the taxation of such property by all taxing authorities, prior to the effective date of the ordinance from which this section derives.

- (6) All taxing authorities shall annually appropriate to and cause to be deposited in the fund the tax increment determined pursuant to the Act and Section 1.1.11(5) hereof at the beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the fund shall commence immediately upon the effective date of the ordinance from which this section derives and continue to the extent permitted by the Act so long as any indebtedness pledging increment revenues have been paid.
- (7) The funds shall be established and maintained as a separate trust fund by the agency so that the 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.
- (8) The governing body of the agency shall be the trustees of the fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investments and proper application of all monies paid into the fund.

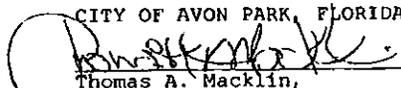
SECTION 1.1.12 The City Manager is hereby authorized directed to send a certified copy of this ordinance to each "taxing authority" (as that term is defined in Section 163.340(2), Florida Statutes (1987), as amended).

SECTION 1.1.13 All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed.

SECTION 1.1.14 If any word, sentence, clause, phrase or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

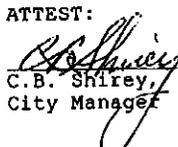
SECTION 1.1.15 This ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED this 24th day of September, 2001.

CITY OF AVON PARK, FLORIDA

Thomas A. Macklin,
Mayor

(SEAL)

ATTEST:


C.B. Shirley,
City Manager

Airport

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51.00

ORDINANCE NO. 03-01

AN ORDINANCE OF THE CITY OF AVON, FLORIDA, MAKING FINDING; CREATING AN AIRPORT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF AVON PARK; ESTABLISHING THE AREA OF OPERATING OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council"), on _____, adopted its Resolution No. 01-19 (the "Findings Resolution"), described in said resolution (the "Airport Community Redevelopment Area"), exist in the City of Avon Park Florida (the "City"), and it further finds that the rehabilitation and conservation, thereof, of such area is necessary in the interest of public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council further found in the Findings Resolution that a need exists for the creation of a Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act") for the purpose of rehabilitating the Airport Community Redevelopment Area and eradicating conditions of slum or blight, or both, therein; and

WHEREAS, to satisfy the need for such a Community Redevelopment Agency, it is necessary for the City Council to adopt an ordinance creating such an agency in accordance with the provisions of the Redevelopment Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

SECTION 1.1.1 Pursuant to Section 163.356, Florida Statutes (1987), as amended, there is hereby created a public body corporate and politic to be known as the Airport Community Redevelopment Agency of the City of Avon Park, Florida (the "Community Redevelopment Agency").

SECTION 1.1.2 Definitions.

The following terms, wherever used or referred to in this part, have the following meanings:

Agency or Airport Community Redevelopment Agency means a public agency created and designated pursuant to Section 163.356, Florida Statutes (1997).

Area of Operation means the area within the corporate limits of the city as defined in Section 1.1.5(1)

Blighted Area means either:

- (1) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of the county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:
 - (1) Predominance of defective or inadequate street layout;
 - (2) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - (3) Unsanitary or unsafe conditions;
 - (4) Deterioration of site or other improvements;
 - (5) Tax or special assessment delinquency exceeding the fair market value of the land; and
 - (6) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (2) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or

C. B. Shirey, 110 E. MAIN ST. AVONPARK 32808

public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed constructions.

Board means the governing board of the Community Redevelopment Agency.

Bonds means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

Commissioner means a member of the Airport Community Redevelopment Agency board.

Community Redevelopment or Redevelopment means undertakings, activities, or projects of the city or Airport Community Redevelopment Agency in the Airport Community Redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation of the community redevelopment area in accordance with the Airport Community Redevelopment Plan and may include the preparation of such a plan.

Airport Community Redevelopment Area means the community redevelopment area, the geographical boundaries of which are described in Section 1.1.5(1) of this Ordinance.

Airport Community Redevelopment Plan means the plan, as it is amended from time to time, for the Airport Community Redevelopment area, which plan is adopted in Section 1.1.10 of this ordinance.

Council or City Council means the governing body or City Council of the City of Avon Park, Florida.

Debt Service Millage means any millage levied pursuant to Section 12 of Article VII of the State Constitution.

Increment Revenue means the amount calculated pursuant to Section 163.387(1). Florida Statutes.

Obligee means to include a bondholder, agents or trustees for any bondholders, or lessor of property to the city, or the Community Redevelopment Agency, property used in connection with community redevelopment or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the city.

Real Property means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including, but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

Related Activities means:

- (1) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a community wide plan or program pursuant to Section 163.365, Florida Statutes;
- (2) The functions related to the acquisition and disposal of real property pursuant to Section 163.370(3), Florida Statutes; or
- (3) The development of affordable housing for residents of the area.

Slum Area means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors is conducive to ill health, transmission or disease, infant mortality, juvenile delinquency, or

crime and is detrimental to the public health, safety, or welfare.

SECTION 1.1.3 Powers of the City Council.

The following powers shall continue to vest in the council of the city:

- (1) The power to rename or designate the name of said Community Redevelopment Agency;
- (2) The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for the community redevelopment project, and to hold any public hearings required with respect thereto;
- (3) The power to grant final approval to the Airport Community Redevelopment Plan and modifications thereof;
- (4) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in Section 163.385, Florida Statutes, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Airport Community Redevelopment Agency to undertake the issuance of specific bond issues.
- (5) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided therein, although pursuant to Section 1.1.6 (b), of this ordinance, the City Council may authorize the Airport Community Redevelopment Agency to undertake the acquisition, demolition, removal, or disposal of and on specific parcels of property.
- (6) The power to conduct eminent domain or otherwise dispose of property pursuant to Sections 163.375 and 163.380, Florida Statutes, although pursuant to Section 1.1.6 (b), of this ordinance, the City Council may authorize the Airport Community Redevelopment Agency to undertake the acquisition of specific parcels of real property through eminent domain or otherwise dispose of specific parcels of property;
- (7) The power to create a redevelopment trust fund pursuant to Sections 163.387, Florida Statutes, and for the purposes set forth in said section;
- (8) The power to zone or rezone any part of the Airport Community Redevelopment area or make exceptions from building regulations, and to enter into agreements with a housing authority, which agreements may extend over a period, notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the City of Avon Park pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;
- (9) The power to close or vacate streets, roads, sidewalks, ways, or other places within the Airport Community Redevelopment area;
- (10) The power to establish such new office(s) of the city or to organize existing office(s) in order to carry out the remedying of slum and blighted areas and preventing the causes thereof most effectively;
- (11) The power to approve or amend neighborhood and community-wide plan (and modifications) thereof, pursuant to Section 163.365, Florida Statutes;
- (12) The power to acquire a slum area or a blighted area or a portion thereof; or to install, construct, or reconstruct public infrastructure, all as provided for in Section 163.370, Florida Statutes, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Airport Community Redevelopment Agency to undertake such activities; and
- (13) The power to dispose of any properties acquired in the Airport

Community Redevelopment area at their fair value for uses in accordance with the Airport Community Redevelopment Plan, although pursuant to Section 1.1.6(b), of this ordinance, the City Council may authorize the Airport Community Redevelopment Agency to dispose of specific properties acquired within the Airport Community Redevelopment area at their fair value for uses in accordance with the Airport Community Redevelopment Plan.

SECTION 1.1.4 Creation of Airport Community Redevelopment Agency board; composition; terms; appointment of chairperson and vice-chairperson.

- (1) Pursuant to Resolution No. 01-19 of the City Council, dated _____, and Section 163.356, Florida Statutes, the Airport Community Redevelopment Agency board shall consist of seven (7) Commissioners. Seven (7) persons shall be appointed from time to time by the City Council to serve as agency Commissioners. A certificate of appointment shall be filed with the city manager and is due and conclusive evidence of due and proper appointment of such commissioner.
- (2) Except for the initial Commissioners, appointees shall serve terms of four (4) years each. Each commissioner shall serve until his or her successor has been appointed and has qualified.
- (3) In the event of death, resignation, or removal from office of a commissioner, any individual appointed to fill a vacancy shall fill the remainder of the term of the person whose actions created the vacancy in office.
- (4) Any person may be appointed to serve as a commissioner on the board if he or she resides, or is engaged in business, within the Community Redevelopment Area, and is otherwise eligible for such appointment pursuant to Part III, Chapter 163, Florida Statutes. For the purposes of this provision, engaged in business means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged.
- (5) Agency Commissioners may be removed from office as provided by Section 163.356(4), Florida Statutes.
- (6) Annually, on or about June of each year, the City Council shall name a chairperson and vice-chairperson of the board, who must also be Commissioners of said board at all times during their tenure as chairperson or vice-chairperson.

SECTION 1.1.5 Jurisdictional area of Community Redevelopment Agency.

- (1) The jurisdictional boundaries of the Airport Community Redevelopment Agency are lying wholly within the City of Avon Park as follows:

That part of Sections 20, 21 and 29, Township 33 South, Range 28 East, City of Avon Park, Highlands County, Florida, being more particularly described as follows:

Beginning at the intersection of the centerline of South Self Avenue with the South line of said Section 21; thence Westerly along said South line to the Southwest corner of said Section 21; thence South along the East line of said Section 29 to its intersection with the North right-of-way line of Matte Road; thence Westerly along said North right-of-way line to its intersection with the East right-of-way line of Carr Road; thence Northerly along said East right-of-way line to its intersection with the south line of said Section 20; thence Westerly along said South line to its intersection with the East line of Block 8 of AVON PARK ESTATES UNIT II, as recorded in Plat Book 10, Page 22 of the Public Records of Highlands County, Florida; thence Northerly along said East line to the North line of said Block 8; thence Westerly along said North line to its intersection with the East right-of-way line of Dolphin Road; thence Northerly along said East right-of-way

line to its intersection with the South right-of-way line of Herrick Street; thence Easterly along said South right-of-way line and the South right-of-way line of State Road 64 to its intersection with the centerline of South Self Avenue; thence Southerly along the centerline of South Self Avenue to the said Point of Beginning.

- (2) Said legal description of the jurisdictional boundaries of the Airport Community Redevelopment Agency was certified to and prepared by Chastain Skillman Inc., a professional land surveyor, see (Exhibit A & B) as further identified in Ordinance No. 03-01.

SECTION 1.1.6 Powers of Redevelopment Agency Board.

- (1) The Airport Community Redevelopment Agency is vested with the following powers pursuant to Section 163.370, Florida Statutes, and Resolution, of Highlands County:
- (1) The power to conduct surveys or other boundary examinations to adjust or otherwise modify the boundaries of the Community Redevelopment Agency;
 - (2) The power to operate the Airport Community Redevelopment Agency as generally described and specified in Section 163.356, Florida Statutes;
 - (3) The power to give public notice, from time to time, as specified in Part III, Chapter 163, Florida Statutes;
 - (4) The power to prepare a Airport Community Redevelopment Plan and modifications thereof, all pursuant to Section 163.360, 163.361, 163.362, Florida Statutes, and recommending the same for approval to the City Council;
 - (5) The power to prepare and recommend to the City Council for adoption a neighborhood and community-wide plan (and modifications) thereof, pursuant to Section 163.365, Florida Statutes;
 - (6) The power to operate and maintain a redevelopment trust fund pursuant to Section 163.387, Florida Statutes, and for the purposes set forth in said section, once the fund has been created by the City Council;
 - (7) The power to make and execute contracts and other instruments necessary or convenient to the exercise of the powers under Part III, Chapter 163, Florida Statutes;
 - (8) The power to disseminate slum clearance and community redevelopment information;
 - (9) The power to provide, or to arrange or contract and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of the community redevelopment and related activities, and to fulfill such of the conditions as it deems reasonable and appropriate;
 - (10) Within the Airport Community Redevelopment area, the power:
 - (1) To the extent authorized by law to enter in buildings or property in the Airport Community Redevelopment area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from the court of competent jurisdiction in the event entry is denied or resisted;
 - (2) To acquire by purchase, lease, option, gift, grant, bequest, devise, or otherwise any real property (or personal property for its administrative purposes) together with any improvements thereon;

- (3) To hold, improve, clear, or prepare for development of any such property;
 - (4) To the extent authorized by law to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;
 - (5) To insure or provide for the insurance of any real or personal property or operations against any risks or hazards, including the power to pay premiums on any such insurance;
 - (6) To enter into any contracts necessary to effectuate the purposes of Part III, Chapter 163, Florida Statutes; and
 - (7) To solicit requests for proposals for redevelopment of parcels of real property contemplated by a Airport Community Redevelopment Plan to be acquired for redevelopment purposes by the Airport Community Redevelopment Agency and as a result of such request for proposals to advertise for the disposition of such real property to private persons pursuant to Section 163.380, Florida Statutes, prior to acquisition of such real property by the Community Redevelopment Agency;
- (11) The power to invest in any community redevelopment fund held in reserve for sinking funds or any such funds and required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as may have been issued pursuant to Section 163.385, Florida Statutes, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed for purchase being cancelled;
 - (12) The power to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government or the state, county, or other public body or from any sources public or private, for the purposes of Part III, Chapter 163, Florida Statutes, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith, and to include in any contracts for financial assistance with the federal government for or with respect to community redevelopment and related activities such conditions and powers pursuant to federal law as the city deems reasonable and appropriate which are not inconsistent with the purposes of this Part III, Chapter 163, Florida Statutes;
 - (13) Within the city, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part, to contract with any person, public or private, in making and carrying out such plans, and to adopt or approve, modify, and amend such plans, with plans that include the plans specified as follows:
 - (1) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
 - (2) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment projects and related activities; and
 - (3) Plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

- (14) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and other blight and developing and demonstrating new or improved means of providing housing for families and persons of low income;
- (15) The power to apply for, accept, and utilize grants or funds from the federal government for such purposes;
- (16) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations, and others) displaced from the Airport Community Redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;
- (17) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of Part III, Chapter 163, Florida Statutes, to recommend to the City Council the zoning or rezoning of any part of the municipality or to make exceptions from building regulations, and to recommend to the city the making of agreement(s) with a housing authority, which agreement(s) may extend over a period notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the City of Avon Part pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;
- (18) The power to recommend to the City Council closure or vacation of streets, roads, sidewalks, ways, or other places within the Airport Community Redevelopment area, and to plan or replan any part of the Airport Community Redevelopment area, subject to City Council concurrence;
- (19) The power to organize, coordinate and direct the administration of the provisions of Part III, Chapter 163, Florida Statutes, as they may apply to the Airport Community Redevelopment area in order that the objective of remedying slum and blighted areas, and preventing the causes thereof, within the Airport Community Redevelopment area may be most effectively promoted and achieved;
- (20) With the prior approval of the City Council, the Airport Community Redevelopment Agency may (prior to the approval of the Airport Community Redevelopment Plan or approval of any modification of the said plan) acquire real property in the Airport Community Redevelopment area, demolish and renew any structures on the property, and pay all costs related to the acquisition, demolition, or removal thereof, including any administrative or relocation expenses; provided that the Airport Community Redevelopment Agency assumes the responsibility to bear any loss that may arise as the result of the exercise of authority under Section 163.370(3), Florida Statutes, in the event that the real property is not made part of the Airport Community Redevelopment area;
- (21) The power to obtain services of an attorney to serve as legal counsel, to employ an executive director and employees (permanent or temporary), to determine their respective qualifications, compensation, and duties, and to annually prepare and file with the governing body and the Florida Auditor General, a report of activities, including but not limited to a complete financial statement;
- (22) The power to undertake and carry out community redevelopment and related activities within the Airport Community Redevelopment area, all as provided for in Section 163.370, Florida Statutes; provided that certain

redevelopment and related activities shall require pre-approval by the City Council as set forth in Subsection (b) of this section; and

- (23) The power to exercise all or any part or combination of the powers herein granted.
- (1) Subject to prior authorization by the City Council, the Airport Community Redevelopment Agency is vested with the following powers:
 - (1) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in Section 163.385, Florida Statutes;
 - (2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided therein;
 - (3) The power to conduct eminent domain or otherwise dispose of property pursuant to Sections 163.375 and 163.380, Florida Statutes;
 - (4) The power to undertake and carry out within the Airport Community Redevelopment area acquisition of a slum area or a blighted area or a portion thereof; or the installation, construction, or reconstruction of public infrastructure; and
 - (5) The power to dispose of any properties acquired in the Airport Community Redevelopment area at their fair value for uses in accordance with the Airport Community Redevelopment Plan.

SECTION 1.1.7 Officers of Community Redevelopment Agency; rules of procedure; sessions; meetings open to the public.

- (1) The chairperson shall preside at all meetings of the Community Redevelopment Agency. In the absence, incapacitation, or disqualification of the chairperson, or upon the chairperson's refusal to act as directed by the Community Redevelopment Agency, the vice-chairperson shall preside at all meetings of the Community Redevelopment Agency.
- (2) The presence of four (4) members shall constitute a quorum of the agency board to meeting purposes. Action may be taken by the agency upon a vote of a majority of the agency Commissioners present, unless agency rules require a larger number.
- (3) The board shall utilize The Scott, Foresman Roberts Rules of Order Newly Revised (9th ed. 1990), as the official rules of procedure. The board is authorized to make such other rules as appropriate, which rules may supersede, Roberts Rules of Order Newly Revised.
- (4) A session of the board shall commence on January first and terminate on December thirty-first of each year.
- (5) All meetings of the board and an agenda of said meeting shall be advertised at least three (3) days prior to said meeting by posting a notice at city hall setting forth the time, place, and date of said meeting and an agenda of said meeting. The meeting notice should also specify that more than one member of the City Council may be in attendance at the meeting and may participate in discussions.
- (6) Minutes shall be taken at all agency governing board, committee, sub-committee, and ad hoc committee meetings. Consistent with the Governmental-in-the-Sunshine Act, Section 286.011, Florida Statutes, all meetings of the board, agency committees, sub-committees, and ad hoc committees shall be open to the public.

SECTION 1.1.8 Duration of Agency.

Unless extended by resolution of the City Council to amend Resolution No. 01-19: 1) the delegation of authority provided in the City of Avon Park Resolution No. 01-19, shall terminate on 2022, 20 years after the date of delegation of authority to create the Airport Community Redevelopment Agency by virtue of the City of Avon Park Resolution No. 01-19. Thereupon, the Airport Community Redevelopment Agency shall cease to exist as the Airport Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes.

SECTION 1.1.9 Agency Annual Budget.

- (1) Consistent with Section 163.387, Florida Statutes, the Airport Community Redevelopment Agency shall adopt a fiscal year budget.
- (2) The Airport Community Redevelopment Agency shall not expend in any one Airport Community Redevelopment Agency fiscal year more than twenty-five percent (25%) of the tax increment revenues raised for that fiscal year pursuant to Section 163.387, Florida Statutes, on administrative expenses. For the purpose of this section, the term administrative expenses includes personnel costs (i.e.: salary and fringe benefits) of Airport Community Redevelopment Agency staff, office equipment and supplies, operating overhead (office space, electricity and utilities for office), postage, printing or copying charges, travel costs, seminar costs, and similar direct expenses of the Community Redevelopment Agency. Allocations of costs in the Airport Community Redevelopment Agency construction or consultant contract for administrative costs of the contractor are not included within the twenty-five percent (25%) cap.

SECTION 1.1.10 Airport Community Redevelopment Plan approved.

- (1) The City Council finds, declares and determines that the matters set forth in the community development plan, prepared by Community Planning and Economic Development Associates, pursuant to Section 163.360, Florida Statutes, are true and correct, approved, and are incorporated herein by this reference.
- (2) Finding of conformance with comprehensive plan. The City Council hereby finds, determines and declares that the Airport Community Redevelopment Plan conforms to the general comprehensive plan of the city as a whole.
- (3) Finding of adequacy of recreational facilities. The City Council hereby finds, determines and declares that the Airport Community Redevelopment Plan gives due consideration to the provision of adequate park and recreational areas and facilities that be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan.
- (4) Finding of relocation. The City Council finds that a feasible method exists for the relocation of families who will be displaced from the Airport Community Redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families.
- (5) Finding of maximum opportunity. The City Council hereby finds that the Airport Community Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the entire Airport Community Redevelopment area by private enterprise.
- (6) The City Council does hereby adopt the Airport Community Redevelopment Plan as the Airport Community Redevelopment Plan for the redevelopment area and authorizes and directs the Airport Community Redevelopment Agency to proceed with the implementation of the plan.

SECTION 1.1.11 Redevelopment Trust Fund created.

- (1) There is hereby established and created, in accordance with the

provisions of the Act, a community redevelopment trust fund (the fund) for the Airport Community Redevelopment area, which 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 including any community redevelopment, as that term is defined in Section 163.340(9), Florida Statutes, under the plan.

- (2) The monies to be allocated to and deposited into the Fund shall be used to finance a community redevelopment within the Airport Community Redevelopment area according to tax increment revenues attributed to the Airport Community Redevelopment area, which shall be appropriated by the agency. The agency shall utilize the funds and revenues paid into and earned by the fund for community redevelopment purposes as provided in the plan and as permitted by law. The fund shall exist for the duration of the community redevelopment undertaken by the agency pursuant to the plan to the extent permitted by the Act. (Monies shall be held in the fund by the city for and on behalf of the agency, and disbursed from the fund as provided by the agency.)
- (3) There shall be paid into the fund each year by each of the taxing authorities, as that term is defined in Section 163.340(2), Florida Statutes, levying ad valorem taxes within the Airport Community Redevelopment area, a sum equal to ninety-five percent (95%) of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with Section 1.1.11(5) hereof of the Act, based on the base tax year established in Section 1.1.11(4) hereof (such annual sum being hereinafter referred to as the tax increment fund).
- (4) The most recent assessment roll used in connection with the taxation of property prior to the effective date of the ordinance from which this section derives shall be the preliminary assessment roll of taxable real property in Highlands County, prepared by the property appraiser of Highlands County, and filed with the Department of Revenue pursuant to Section 193.1142, Florida Statutes (1997), reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 2001 (the base year value, and all deposits into the fund shall be in the amount of tax increment calculated as provided in Section 1.1.11(5) hereof based upon increases in valuation of taxable real property from the base year value.
- (5) The tax increment shall be determined and appropriated annually by each taxing authority, and shall be an amount equal to ninety-five percent (95%) of the difference between:
 - (1) The amount of ad valorem taxes levied each year by all taxing authorities on taxable real property located within the geographic boundaries of the Airport Community Redevelopment area; and
 - (2) That amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities, upon the total of the assessed value of the taxable real property in the Airport Community Redevelopment area as shown upon the assessment roll used in connection with the taxation of such property by all taxing authorities, prior to the effective date of the ordinance from which this section derives.
- (6) All taxing authorities shall annually appropriate to and cause to be deposited in the fund the tax increment determined pursuant to the Act and Section 1.1.11(5) hereof at the beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the fund shall commence immediately upon the effective date of the ordinance from which this section derives and continue to the extent permitted by the Act so long as any indebtedness pledging increment revenues have been paid.

(7) The funds shall be established and maintained as a separate trust fund by the agency so that the 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.

(8) The governing body of the agency shall be the trustees of the fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investments and proper application of all monies paid into the fund.

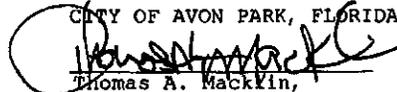
SECTION 1.1.12 The City Manager is hereby authorized directed to send a certified copy of this ordinance to each "taxing authority" (as that term is defined in Section 163.340(2), Florida Statutes (1987), as amended).

SECTION 1.1.13 All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed.

SECTION 1.1.14 If any word, sentence, clause, phrase or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

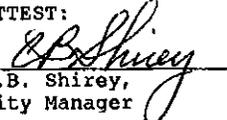
SECTION 1.1.15 This ordinance shall take effect immediately upon its passage.

PASSED AND ADAPTED this October 8, 2001.

CITY OF AVON PARK, FLORIDA

Thomas A. Macklin,
Mayor

(SEAL)

ATTEST:


C.B. Shirey,
City Manager

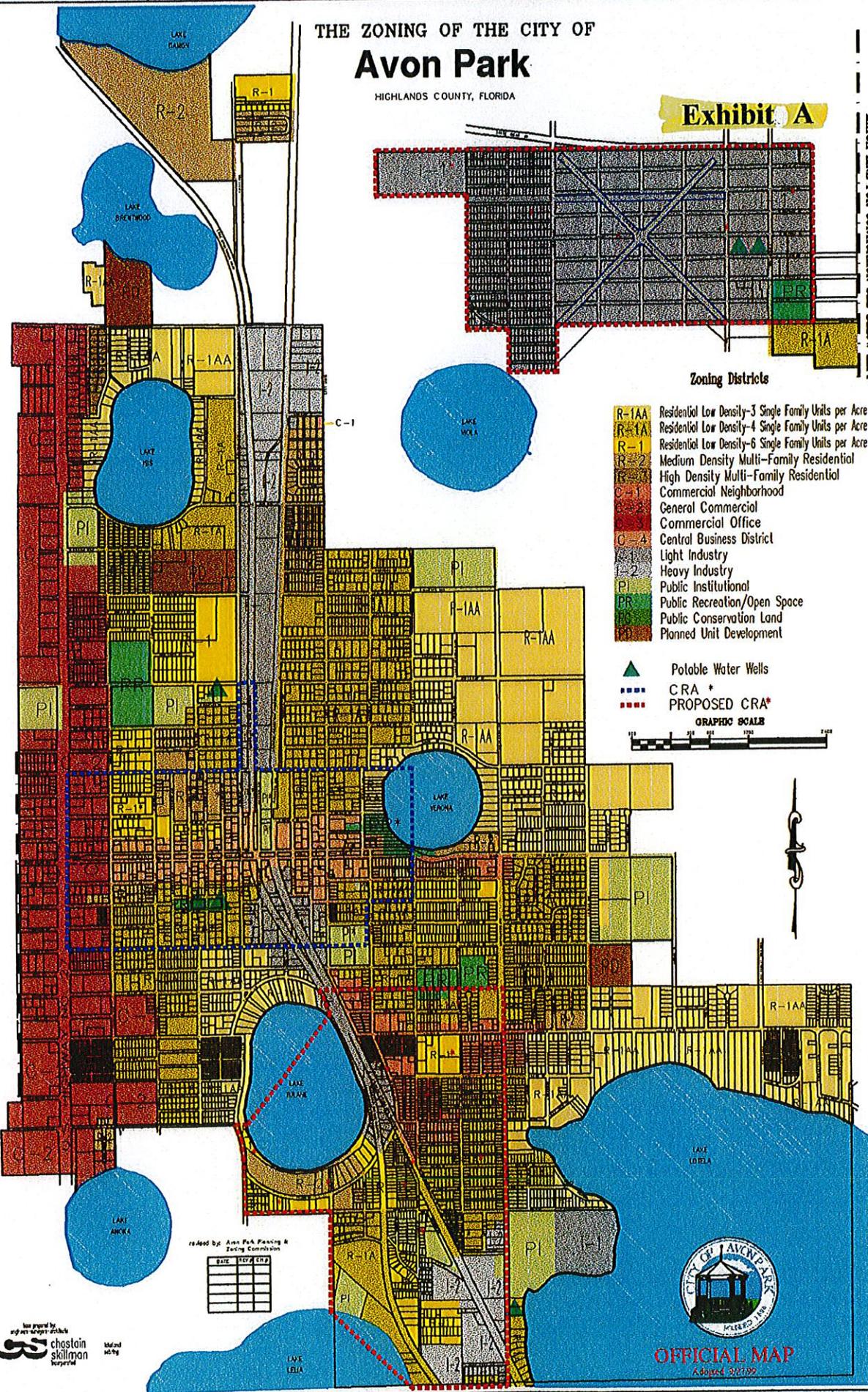
FILE # 1145133 RCD: May 22 2002 @ 03:47PM
L. E. "Luke" Brooker, Clerk, Highlands County

THE ZONING OF THE CITY OF Avon Park

HIGHLANDS COUNTY, FLORIDA

Exhibit A

MATCH LINE FOR CONTINUATION SEE BELOW LEFT



Zoning Districts

- R-1AA Residential Low Density-3 Single Family Units per Acre
- R-1A Residential Low Density-4 Single Family Units per Acre
- R-1 Residential Low Density-6 Single Family Units per Acre
- R-2 Medium Density Multi-Family Residential
- R-3 High Density Multi-Family Residential
- C-1 Commercial Neighborhood
- C-2 General Commercial
- C-3 Commercial Office
- C-4 Central Business District
- I-1 Light Industry
- I-2 Heavy Industry
- PI Public Institutional
- PR Public Recreation/Open Space
- PCL Public Conservation Land
- PUD Planned Unit Development

- Potable Water Wells
- CRA *
- PROPOSED CRA*

GRAPHIC SCALE



revised by: Avon Park Planning & Zoning Commission

DATE	REVISION	BY

prepared by
chastain
skillman
corporation



OFFICIAL MAP
Adopted 9/27/99

Exhibit B

Reply to: Sebring

Proposed CRA's

That part of Sections 20, 21 and 29, Township 33 South, Range 28 East, City of Avon Park, Highlands County, Florida, being more particularly described as follows:

Beginning at the intersection of the centerline of South Self Avenue with the South line of said Section 21; thence Westerly along said South line to the Southwest corner of said Section 21; thence South along the East line of said Section 29 to its intersection with the North right-of-way line of Matte Road; thence Westerly along said North right-of-way line to its intersection with the East right-of-way line of Carr Road; thence Northerly along said East right-of-way line to its intersection with the South line of said Section 20; thence Westerly along said South line to its intersection with the East line of Block 8 of AVON PARK ESTATES UNIT II, as recorded in Plat Book 10, Page 22 of the Public Records of Highlands County, Florida; thence Northerly along said East line to the North line of said Block 8; thence Westerly along said North line to its intersection with the East right-of-way line of Dolphin Road; thence Northerly along said East right-of-way line to its intersection with the South right-of-way line of Herrick Street; thence Easterly along said South right-of-way line and the South right-of-way line of State Road 64 to its intersection with the centerline of South Self Avenue; thence Southerly along the centerline of South Self Avenue to the said Point of Beginning.

That part of Sections 22,23,26 and 27, Township 33 South, Range 28 East, City of Avon Park, Highlands County, Florida, being more particularly described as follows:

Beginning at intersection of the centerline of Highlands Avenue with the South line of said Section 26; thence Westerly along said South line to its intersection with the waters edge of Lake Lelia; thence Northwesterly across Lake Lelia to the intersection of the centerline of South Lake Avenue with the waters edge of Lake Lelia; thence Northerly along the centerline of South Lake Avenue to its intersection with the centerline of West Fourth Street; thence Westerly along the centerline of West Fourth Street to its intersection with the centerline of South Lake Boulevard; thence Northerly along the centerline of South Lake Boulevard to its intersection with the centerline of Hal McRae Boulevard; thence Easterly along the extension of the centerline of Hal McRae Boulevard to its intersection with the waters edge of Lake Tulane; thence Northeasterly across Lake Tulane to the intersection of the Easterly line of Lot 12, Block 36, Town of Avon Park, recorded in Plat Book 1, Page 58, Public Records of DeSoto County, Florida (of which Highlands County was formerly a part) with the waters edge of Lake Tulane; thence Northeasterly along the Easterly line of said Lot 12 to its intersection with the Westerly right-of-way line of the CSX Systems Railroad (formerly SAL Railroad); thence Northwesterly along said railroad right-of-way line to its intersection with a line extended Westerly from the centerline of State Street; thence Easterly along said line and the centerline of State Street and the Easterly extension thereof to its intersection with the centerline of Highlands Avenue; thence Southerly along the centerline of Highlands Avenue to the said Point of Beginning.