

ORDINANCE NO. 00- 33

AN ORDINANCE OF POLK COUNTY, FLORIDA, PURSUANT TO SECTION 163.360, FLORIDA STATUTES, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE ELOISE COMMUNITY REDEVELOPMENT AREA, ASSET FORTH IN RESOLUTION NO. 98-08 OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA; PROVIDING FOR APPROVAL OF A PLAN DESIGNED TO REDEVELOP AND IMPROVE ELOISE; PROVIDING FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA; PROVIDING FOR BOARD OF COUNTY COMMISSION DETERMINATIONS REGARDING RESIDENTIAL USES OF OPEN LAND ACQUIRED BY THE COUNTY; PROVIDING FOR BOARD OF COUNTY COMMISSION DETERMINATION REGARDING NONRESIDENTIAL USES OF OPEN LAND ACQUIRED BY THE COUNTY; REPEALING ORDINANCES 98-66 AND 99-11; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Polk County, Florida has adopted Resolution No. 98-08 finding the existence of certain slum and blighted areas within the boundary of the Eloise Community Redevelopment Area ("the Area"); and determining that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area by the Eloise Community Redevelopment Agency is necessary in the best interests of the public health, safety, morals, or welfare of the residents and citizens of Polk County; and

WHEREAS, the County has confirmed the findings of slum and blight; and

WHEREAS, the Board of County Commissioners of Polk County, Florida, has adopted Ordinance No. 98-50 creating a Community Redevelopment Agency to carry out and effectuate the purposes of community redevelopment within the boundaries of the Area; and

WHEREAS, the Board of County Commissioners of Polk County, Florida, has determined that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area by the Eloise Community Redevelopment Agency is necessary and in the best interests of the public health, safety, morals, or welfare of the residents and citizens of Polk County; and

WHEREAS, implementation of the Redevelopment Plan will result in redevelopment and related infrastructure improvements to support the designated land uses in the Area in conformity with the comprehensive plan for the development of the Area and for the County as a whole; and

WHEREAS, the County desires to proceed under Part III, Chapter 163, Florida Statutes, to establish the necessary means by which redevelopment can be accomplished in the Area; and

WHEREAS, after due consideration as required by law, the Polk County Local Planning Division has reviewed the Community Redevelopment Plan for the Area and found it to be in conformity with the County's Comprehensive Plan for the development of the County as a whole; and

WHEREAS, after due consideration as required by the law, the Eloise Community Redevelopment Agency has reviewed and approved a Community Redevelopment Plan for the Area; and

WHEREAS, the Community Redevelopment Agency has submitted said Community Redevelopment Plan to the Board of County Commissioners of Polk County, Florida, by Resolution; and

WHEREAS, after due consideration and public hearing as required by law, the Board of County Commissioners of Polk County, Florida, deems it appropriate to approve the Community Redevelopment Plan for the Area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

Section 1. Approval of Official Eloise Community Redevelopment Plan: The Community Redevelopment Plan for the Eloise Community Redevelopment Area, having been duly reviewed

and considered as required by law, is hereby approved by this Board of County Commissioners and adopted as attached hereto as Exhibit "A," more specifically referred to as the Eloise Redevelopment Plan ("the Plan"), and made a part of this Ordinance by reference. The Plan is hereby designated as the official Community Redevelopment Plan for the Eloise Community Redevelopment Area, the boundaries of which are described in the Plan. It is the purpose and intent of the Board of County Commissioners of Polk County, Florida, that the Community Redevelopment Plan be implemented in this Area.

Section 2. Findings of the Board of County Commissioners: The Board of County Commissioners of Polk County, Florida expressly finds that the Community Redevelopment Plan ("Plan") satisfies the requirements of Florida Statutes 163.360, because:

1. The Board of County Commissioners of Polk County, Florida, in adopting Resolution No. 98-08, determined the existence of certain slum and blighted areas within the boundary of the Eloise Community Redevelopment Area ("the Area"), and determined that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area is necessary in the best interests of the public health, safety, morals, or welfare of the residents and citizens of Polk County;
2. A feasible plan exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
3. The Plan conforms to the general plan of the county as a whole;
4. The Plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may 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 plans;

5. The Plan will afford maximum opportunity, consistent with the sound needs of the county as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise;
6. The Plan conforms to the Polk County Comprehensive Plan;
7. The Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the Community Redevelopment Area, zoning and planning changes, land use, maximum density; and building requirements; and
8. The Plan sufficiently addresses affordable housing issues.

Section 3. Board Determinations Regarding Residential Uses of Open Land Acquired by the

County: In accordance with Florida Statutes Section 163.360(8)(a), which requires certain determinations to be made by the Board of County Commissioners of Polk County, Florida before open land may be acquired for residential uses, the Board does hereby determine that:

1. A shortage of housing of sound standards and design which is decent, safe, sanitary, and affordable to residents of low or moderate income, including the elderly, exists in the county;
2. The need for housing accommodations has increased in the area;
3. The conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. The acquisition of any area of open land needed for residential uses is an integral part of and essential to the program.

Section 4. Board Determinations Regarding Nonresidential Uses of Open Land Acquired by

the County: In accordance with Florida Statute 163.360(8)(b), which requires certain determinations to be made by the Board of County Commissioners of Polk County, Florida before open land may be acquired for nonresidential uses, the Board does hereby determine that:

1. Nonresidential uses in the Community Redevelopment Area are necessary and appropriate to facilitate the proper growth and development of the community in accordance with planning standards and local community objectives; and
2. Acquisition of property within the Community Redevelopment Area may require the exercise of governmental action, as authorized by Part III of Chapter 163, Florida Statutes, or other applicable constitutional, statutory, or ordinance provisions, because of:
 - a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienation of such land;
 - b. Tax delinquency;
 - c. Improper subdivisions;
 - d. Outmoded street patterns;
 - e. Deterioration of site;
 - f. Economic disuse;
 - g. Unsuitable topography or faulty lot layouts;
 - h. Lack of correlation of the area with other areas of the county by streets and modern traffic requirements; or

- i. Any combination of the above or other conditions which retard development of the area.
3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

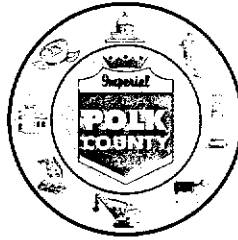
SECTION 5. Board Approval: The Board hereby adopts this Plan. Upon the effective date of this Ordinance such Plan is deemed in full force and effect for the Area and the County then authorizes the Community Redevelopment Agency to carry out the Plan.

SECTION 6. Severability: If any provision of this ordinance is for any reason held unconstitutional or invalid, the remainder of this ordinance shall not be affected.

SECTION 7: Polk County Ordinances 98-66 and 99-11 are hereby repealed.

SECTION 8. Effective Date: This ordinance shall become effective upon filing a certified copy with the Secretary of State.

Finance and Accounting to the
Board of County Commissioners
330 West Church Street
P. O. Box 988
Bartow, FL 33831-0988



Richard M. Weiss
Clerk of the Circuit Court and County Court

June 21, 2000

Mrs. Liz Cloud, Chief
Bureau of Administrative Code
Florida Department of State
401 South Monroe Street
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed are certified copies of the following ordinances that were adopted by the Polk County Board of County Commissioners in regular session on June 20, 2000:

Ordinance No. 00-32 - Ordinance amending Polk County Ordinance No. 99-16, as amended, Providing for a Public Service Tax, by amending Section 5 to authorize quarterly payments of the tax

Ordinance No. 00-33 - Ordinance of Polk County, Florida, Pursuant to Section 163.360, Florida Statutes, Approving a Community Redevelopment Plan for the Eloise Community Redevelopment Area, as set forth in Resolution No. 98-08

Ordinance No. 00-34 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 163.387, Providing for the Establishment of a Community Redevelopment Trust Fund for the Eloise Redevelopment Area as set forth in Resolution 98-08

Please direct the official notification letter as follows, when the ordinance has been filed in your office:

Mrs. Martha H. Crews, Deputy Clerk
Clerk to the Board
P. O. Box 988
Bartow, Florida 33831-0988

Your assistance in handling this matter is greatly appreciated.

Yours very truly,

RICHARD M. WEISS
CLERK AND AUDITOR

By *Martha H. Crews*
Martha H. Crews
Deputy Clerk

mc

Enclosures

The Mission of the Office of the Clerk of the Circuit Court is to function as a team dedicated to our customers by preparing and maintaining accurate records, furnishing assistance in an understanding and compassionate manner, and providing services with competence, professionalism, and courtesy in compliance with laws, rules, and regulations.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

June 22, 2000

RECEIVED

6/26/00

Clerk Of The Board

M. Crews

Mrs. Martha H. Crews
Deputy Clerk
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Mrs. Crews:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 21, 2000 and certified copies of Polk County Ordinance Nos. 00-32 through 00-34, which were filed in this office on June 22, 2000.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us