

**ORDINANCE NO. 98-66**

**AN ORDINANCE OF POLK COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTE 193.306, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE ELOISE COMMUNITY REDEVELOPMENT AREA AS SET FORTH IN RESOLUTION NO. 98-08 OF THE COUNTY COMMISSION; PROVIDING FOR FINDINGS OF THE COUNTY COMMISSION; PROVIDING FOR BOARD DETERMINATIONS REGARDING RESIDENTIAL USES OF OPEN LAND ACQUIRED BY THE COUNTY; PROVIDING FOR BOARD DETERMINATIONS REGARDING NONRESIDENTIAL USES OF OPEN LAND ACQUIRED BY THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the County Commission 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 Commission of Polk County, Florida, has adopted Ordinance No. 98-08 creating a Community Redevelopment Agency to carry out and effectuate the purposes of community redevelopment within the boundaries of the Area; and

WHEREAS, Eloise Community Redevelopment Area property owners have commissioned a study which has confirmed the findings of slum and blight; 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 and public hearings as required by the law, the Eloise Community Redevelopment Agency has reviewed and approved a Community Redevelopment Plan for the Area; and

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

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSION 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 provided by law, is hereby approved 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 County Commission that the Community Redevelopment Plan be implemented in the Area.

**Section 2. Findings of the County Commission:** The County Commission expressly finds that the Community Redevelopment Plan satisfies the requirements of Florida Statutes 163.360, because:

1. 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;

2. The Plan conforms to the general plan of the county as a whole;
3. The Plan gives due consideration to the utilization of community planning 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;
4. 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;
5. The Plan conforms to the Polk County Comprehensive Plan;
6. The Plan is necessary and in the interests of the public health, safety, morals and welfare of the residents of Polk County, and will effectuate the purpose of the Act by revitalizing the area economically and socially, thereby increasing the tax base, promoting sound growth, improving housing conditions, and eliminating the conditions which the Florida Legislature has found in the Act to constitute a menace which is injurious to the public health, safety, morals and welfare of the residents; and
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.

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

**County:** In accordance with Florida Statutes Section 163.360(7)(a), which requires certain determinations to be made by the County Commission before open land may be acquired for residential uses, the County Commission 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 is essential to the program of the county.

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

**the County:** In accordance with Florida Statute 163.360(7)(b), which requires certain determinations to be made by the County Commission before open land may be acquired for nonresidential uses, the County Commission 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;
- i. Inadequate parking facilities;
- j. Roadway, bridge, or public transportation facilities which are largely nonexistent and incapable of handling the projected volume of traffic flow;
- or
- k. 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. 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 6. Effective Date:** This ordinance shall become effective upon filing a certified copy with the Secretary of State.

STATE OF FLORIDA,     )  
                                  )  
COUNTY OF POLK.        )

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk  
County, Florida, hereby certify that the foregoing is a true and correct copy  
of Ordinance No. 98-66, Ordinance of Polk County, Florida, Pursuant to Florida  
Statute 193.306, Approving the Eloise Community Redevelopment Plan

\_\_\_\_\_ ,  
which was adopted by the said Board in regular session on Tuesday, \_\_\_\_\_  
December 1, 1998 .

WITNESS my hand and official seal on this \_\_\_\_\_ day of December ,  
19 98 .

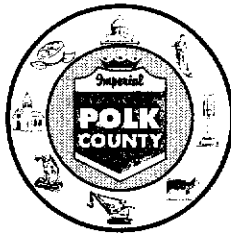
Richard M. Weiss  
Clerk

(SEAL)

By: Martha H. Crews  
Deputy Clerk

REPEALED BY ORD NO 2000-0333

Clerk and Auditor  
Board of County Commissioners  
P. O. Box 988  
Bartow, Florida 33831



Richard M. Weiss  
CLERK OF THE CIRCUIT COURT AND COUNTY COURT

December 3, 1998

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

Dear Mrs. Cloud:

Enclosed is (are) certified copy(ies) of the following ordinance(s)  
adopted by the Polk County Board of County Commissioners in regular session  
on December 1, 1998

SEE ATTACHED LIST

Please give the Clerk official notification when the ordinance(s)  
has (have) been filed in your office.

With kind regards, we are

Yours very truly,

Richard M. Weiss  
Clerk and Auditor

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

mc  
Enclosure

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.

Ordinance No. 98-64 - Ordinance amending Ordinance 90-05, an Ordinance Providing for the Imposition and Collection of an Additional Cost in Misdemeanor Cases Involving the Unlawful Use of Drugs and Alcohol

Ordinance No. 98-65 - Ordinance amending Ordinance 85-23, as Amended, the Polk County Property Maintenance and Disposal Yard Ordinance; Amending Section 3.3, Relating to the Determination of a Nuisance Resulting from an Overgrown Lot

Ordinance No. 98-66 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 193.306, Approving the Eloise Community Redevelopment Plan

Ordinance No. 98-67 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 163.387, Providing for the Establishment of Eloise Community Redevelopment Trust Fund

Ordinance No. 98-68 - Ordinance Establishing the Requirement for and Amount of Surety Bonds to be Maintained by County Officials

REPEALED BY ORD NO 2000-033



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



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

FLORIDA DEPARTMENT OF STATE  
**Sandra B. Mortham**  
Secretary of State  
DIVISION OF ELECTIONS

December 7, 1998

Honorable Richard M. Weiss  
Clerk to Board of County Commissioners  
Polk County  
Post Office Box 988  
Bartow, Florida 33831

Dear Mr. Weiss:

Pursuant to the provisions of Section 125.06, Florida Statutes, this will acknowledge your letter dated December 3, 1998, and certified copy each of Polk County Ordinance Nos. 98-64, 98-65, 98-66, 98-67, and 98-68, which were filed in this office on December 7, 1998.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

**RECEIVED**

DEC 10 1998

CLERK OF COURTS  
ADMINISTRATION

*M. Crews* Deputy Clerk  
Clerk Of The Board

BUREAU OF ADMINISTRATIVE CODE

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