

ORDINANCE NO. 04- 12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, PURSUANT TO SECTION 163.387, FLORIDA STATUTES; PROVIDING FOR CREATION AND ADMINISTRATION OF A COMMUNITY REDEVELOPMENT TRUST FUND FOR THE HARDEN/PARKWAY COMMUNITY REDEVELOPMENT AREA AS SET FORTH IN RESOLUTION 04-10 OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, FOR THE DURATION OF THE COMMUNITY REDEVELOPMENT PLAN; DESIGNATING THE HARDEN/PARKWAY COMMUNITY REDEVELOPMENT TRUST FUND AS THE RECIPIENT OF FUNDS PURSUANT TO SECTION 163.387, FLORIDA STATUTES, TO BE ADMINISTERED BY THE HARDEN/PARKWAY COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Polk County, Florida has adopted Resolution 04-10, creating the Harden/Parkway Community Redevelopment Area (the "Area") and the Harden/Parkway Community Redevelopment Agency (the "Agency"); and

WHEREAS, pursuant to §§163.360 and 163.387, Florida Statutes, the Board of County Commissioners of Polk County, Florida has approved the Harden/Parkway Redevelopment Plan (the "Plan").

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

SECTION 1-CREATION OF A COMMUNITY REDEVELOPMENT TRUST FUND FOR THE HARDEN/PARKWAY COMMUNITY REDEVELOPMENT AREA:

There is hereby established, created and designated in accordance with §163.387, Florida Statutes, a community redevelopment trust fund for the Area, to finance or refinance projects included within the Plan. The trust fund shall be called the Harden/Parkway Community Redevelopment Trust Fund (the "Fund"). The Fund shall exist until completion of the Plan, including repayment of any loans, notes, advances, bonds, indebtedness or debt service and interest thereon.

SECTION TWO-ADMINISTRATION OF THE HARDEN/PARKWAY COMMUNITY REDEVELOPMENT TRUST FUND:

Funds allocated to and deposited into the Fund shall be used by the Agency to finance or refinance any community redevelopment it undertakes pursuant to the Plan. The Fund shall be administered by the Agency, in accordance with §163.387, Florida Statutes and any amendments thereto. The Agency shall be responsible for the receipt, custody, disbursement, accountability, management and proper application of all monies paid into the Fund.

Pursuant to §163.387(8), Florida Statutes, the Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority, each year. On the last day of each fiscal year

the Agency shall comply with §163.387(7)(a)-(d), Florida Statutes, and any amendments thereof.

The annual funding of the Fund shall be in an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the Area. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Area and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this ordinance. The Area shall be certified to the Polk County Property Appraiser on or before June 1, 2004.

Pursuant to §163.387(2)(a)-(d), Florida Statutes, each applicable taxing authority shall, by January 1st of each year, appropriate to the Fund, for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed forty years), a sum that is no less than the increment as defined and determined above, accruing to such taxing authority. Any applicable taxing authority that does not pay the increment to the trust fund by January 1st of each year shall comply with the provisions of §163.387(2)(b), Florida Statutes and any amendments thereof.

SECTION 3-SEVERABILITY:

If any portion or section of this ordinance is held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining sections or portions of this ordinance. If this ordinance or any provision hereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 4-EFFECTIVE DATE:

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK

COUNTY, FLORIDA this 3rd day of March, 2004.

STATE OF FLORIDA,)

COUNTY OF POLK.)

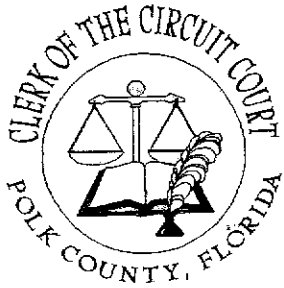
I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 04-12, Ordinance creates the Harden/Parkway Community Redevelopment Area Trust Fund, which was adopted by the said Board on March 3, 2004.

WITNESS my hand and official seal of said Board this 5th day of March, 2004.

Richard M. Weiss
Clerk of Circuit Court

(SEAL)

By Martha H. Crews
Martha H. Crews
Deputy Clerk



Richard M. Weiss

Clerk of the Circuit
Court and County
Court

County Recorder

Clerk, Auditor and
Accountant to the
Polk County Board
of County Commissioners

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

Ph. (863) 534-7667
Fax (863) 534-6037

The Mission of the Office of
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.

March 5, 2004

Mrs. Liz Cloud
Program Administrator
Bureau of Administrative Code
Florida Department of State
The Collins Building
107 W. Gaines Street, Suite L43
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 March 3, 2004:

Ordinance No. 04-09 - Ordinance adopts Land Development Code Amendment LDC-04T-05

Ordinance No. 04-10 - Ordinance adopts Land Development Code Amendment LDC-04D-03

Ordinance No. 04-11 - Ordinance creates Harden/Parkway Community Redevelopment Area Plan

Ordinance No. 04-12 - Ordinance creates Harden/Parkway Community Redevelopment Trust Fund

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

With kind regards, we are

Yours very truly,

RICHARD M. WEISS
CLERK AND AUDITOR

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

mc
Enclosures

P. S. In the future, we request that your office not fax notice to our office, when the ordinances have been filed with the State. Thank you for your continued assistance.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED

3/11/04
Clerk Of The Board

M. Crews

March 8, 2004

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 March 5, 2004 and certified copies of Polk County Ordinance Nos. 04-09 through 04-12, which were filed in this office on March 8, 2004.

As requested, a copy of this letter has been faxed to (863)534-5951.

Sincerely,

Liz Cloud
Program Administrator

LC/mp