

ORDINANCE NO. 7-2014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MULBERRY, FLORIDA, RELATING TO THE REDEVELOPMENT OF THE MULBERRY COMMUNITY REDEVELOPMENT AREA; CREATING A COMMUNITY REDEVELOPMENT AGENCY (CRA); PROVIDING FOR BOARD MEMBERS; PROVIDING FOR THE DEVELOPMENT OF A COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR THE APPROVAL OF THE COMMUNITY REDEVELOPMENT PLAN BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CRA POWERS AND DUTIES; PROVIDING FOR THE ESTABLISHMENT OF THE REDEVELOPMENT TRUST FUND BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND BY THE MULBERRY COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE ANNUAL AUDIT OF THE REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF MULBERRY, FLORIDA:

Section 1. Need for Redevelopment. Based upon the finding and declaration of blight in Resolution No. 2014.4, duly adopted by the City Commission of the City of Mulberry (the "City Commission") and the authority delegated by the Polk County Board of County Commissioners (the "BoCC") in Resolution 2014.113, a CRA of the City of Mulberry, Florida, is hereby created and established with responsibility and duty to carry out redevelopment of the area located within the redevelopment area.

Section 2. Findings. In adopting this Ordinance, the City Commission hereby makes and expresses the following findings, purposes, and intent:

1. The City of Mulberry CRA, a public body corporate and politic, is hereby created and established, the purpose of which shall be to function in the area, as more fully delineated in Appendix "A", attached and made a part hereof, and to provide for the redevelopment, conservation, rehabilitation or combination thereof of such areas in the City of Mulberry
2. Pursuant to the authority in F.S. §163.355, and the CRA powers delegated in Resolution 2014.113, duly adopted by the BoCC through F.S. §163.410, the City Commission is hereby declared as the CRA as established in Section One hereof, and all of the rights, powers, privileges, duties and immunities of a CRA vested in such an agency by Part III, Chapter 163, Florida Statutes are hereby vested in the City Commission except for the powers reserved by the BoCC in Resolution 2014.10. The City Commission reserves the authority to appoint two additional persons to act as members of the community redevelopment agency.
3. The CRA shall exercise its powers and perform its duties in accordance with the provisions of Part III, Chapter 163, Florida Statutes, as amended.

4. The CRA shall develop a community redevelopment plan as per F.S. §163.360 and §163.361; and submit said plan to the City Commission for preliminary approval. The City Commission may submit said plan to the BoCC for their approval.
5. The BoCC has reserved the authority to create the Redevelopment Trust Fund for the City of Mulberry Community Redevelopment Agency in accordance with BoCC Resolution 2014.113 and F.S. §163.410.
6. The CRA shall administer the Redevelopment Trust Fund in accordance with Part III, Chapter 163, Florida Statutes, the approved F.S. §163.387, and BoCC Resolution 14-052 as follows:
 - a. The monies to be allocated to and deposited into the Redevelopment Trust Fund (the "Fund") shall be used to finance redevelopment within the community redevelopment area, and shall be appropriated by the CRA. The CRA shall utilize the funds and revenues paid into and earned by the Fund for community redevelopment purposes as permitted by law.
 - b. The Fund shall exist for the duration of the community redevelopment undertaken by the CRA pursuant to its community redevelopment plan, as approved by the City Commission and the BoCC, and to the extent permitted by F.S. §163.387. Monies shall be held in the Fund for the city and on behalf of the CRA, and disbursed as provided by F.S. §163.387 or as specified by the CRA.
 - c. After the Fund's creation, the City Commission shall provide for the annual audit by an independent auditor pursuant to the redevelopment plan and Chapter 163, Part III, Florida Statutes, as amended.

Section 3. Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of these regulations.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED FOR PASSAGE ON FIRST READING by the City Commission of the City of Mulberry, Florida, meeting in Regular Session this 7th day of Nov, 2014.

PASSED AND DULY ADOPTED ON SECOND AND FINAL READING by the City Commission of the City of Mulberry, Florida, meeting in Regular Session and having all advertisement requirements met, this 24th day of Nov, 2014.

CITY OF MULBERRY CITY COMMISSION

ATTEST:

By: Sharon Lauther
Sharon Lauther, City Clerk

By: George H. Hatch
George H. Hatch, Mayor

APPROVED AS TO FORM:

By: Frank Comparetto Jr.
Frank Comparetto Jr., City Attorney