

**AN ORDINANCE OF THE
MAYOR AND CITY COMMISSION OF THE
CITY OF MIAMI BEACH
REGARDING THE ESTABLISHMENT OF A
TRUST FUND FOR THE "CITY CENTER/
HISTORIC CONVENTION VILLAGE REDEVELOPMENT
AND REVITALIZATION AREA"**

WHEREAS, the Legislature of Florida enacted the Community Redevelopment Act of 1969 during the legislative session held during 1969, which enactment is presently codified in the Statutes of Florida as Part III of Chapter 163, Florida Statutes, also known as Sections 163.330 through 163.450, Florida Statutes; and

WHEREAS, all powers arising through the aforesaid enactment are conferred by that enactment upon counties with home rule charters, which counties in turn are authorized to delegate such powers to municipalities which wish to undertake redevelopment projects within their respective municipal boundaries; and

WHEREAS, by Resolution No. R-14-93 of the Board of County Commissioners of Dade County adopted on January 26, 1993 (the "County Resolution"), the County Commission declared the Redevelopment Area (defined in the County Resolution) to be a blighted area and determined that it is necessary to redevelop said Redevelopment Area and establish a community redevelopment agency to redevelop such area, all in accordance with Part III, Chapter 163, Florida Statutes, and the County Commission delegated certain powers conferred upon the County Commission as the governing body of Dade County by Part III of Chapter 163, Florida Statutes, with regard to the Redevelopment Area, so that the City Commission, either directly or through its duly designated community redevelopment agency, may proceed to exercise such powers; and

WHEREAS, by the County Resolution, the County Commission determined that the rehabilitation, conservation, or redevelopment, or combination thereof, of such Redevelopment Area is necessary in the interest of the public health, safety, morals, or welfare of the residents of Dade County within such geographic area; and

WHEREAS, by Resolution No. 93-20709 of the City Commission adopted on February 3, 1993 (the "City Resolution"), a copy of which is on file with the City Clerk, the City Commission declared the Redevelopment Area to be a "blighted area"; made a finding of necessity as to the rehabilitation, conservation or redevelopment, or combination thereof, of such area; accepted a delegation of certain powers from Dade County to the City of Miami Beach pursuant to Chapter 163, Part III of Florida Statutes; declared the need to establish a community redevelopment agency, and declared the members of the City Commission as the members of the community redevelopment agency; declared that the existing Miami Beach Redevelopment Agency may act as the community redevelopment agency with full power to exercise all the powers permitted by Part III of Chapter 163, Florida Statutes, which were delegated by Dade County to the City Commission; directed the initiation, preparation and adoption of a redevelopment plan and any amendments thereto by the community redevelopment agency; all for the Redevelopment Area; and

WHEREAS, the Miami Beach Redevelopment Agency (the "Agency") on February 3, 1993 by Resolution No. 126-93 accepted the findings and delegations referenced in the City Resolution, including, without limitation, the determination that the aforementioned Redevelopment Area known as the City Center/Historic Convention Village Redevelopment and Revitalization Area is a "blighted area", and the finding that the rehabilitation, conservation, or redevelopment, or combination thereof, of such Redevelopment Area is necessary in the interest of the public health, safety, morals, or welfare of the residents of Dade County within such Redevelopment Area; and

WHEREAS, on February 3, 1993 the Agency by resolution also accepted the declaration of the Miami Beach City Commission that the Agency may act as the community redevelopment agency for the City Commission with respect to the Redevelopment Area; and

WHEREAS, the Agency has caused there to be prepared a redevelopment plan which was submitted to the Planning Board of the City of Miami Beach as the local planning agency of the City of

Miami Beach for review and recommendations as to conformity with the comprehensive plan; and

WHEREAS, the Planning Board of the City of Miami Beach as the local planning agency of the City of Miami Beach by resolution on February 5, 1993 reviewed said redevelopment plan (a copy of which is appended to this Ordinance as "Exhibit A", and which is hereinafter sometimes referred to as the "Redevelopment Plan" or "Plan") and held a public hearing with respect thereto, and further said Planning Board of the City of Miami Beach as the local planning agency found, by Resolution No. 93-1, said Plan in conformity with the comprehensive plan for the City of Miami Beach; and

WHEREAS, the Agency by Resolution No. 128-93 on February 12, 1993 recommended the Plan for approval by the City Commission of the City of Miami Beach, after making certain findings contained in said Agency resolution; and

WHEREAS, the City Commission by Resolution No. 93-20721 on February 12, 1993 approved and adopted the Plan and directed the implementation of the Plan; and

WHEREAS, Section 163.387, Florida Statutes, provides that there shall be established for each community redevelopment agency such as the Agency, a redevelopment trust fund; and

WHEREAS, a redevelopment trust fund is critical for the implementation of the Plan as it will enable the redevelopment contemplated by the Plan to be financed; and

WHEREAS, the projects envisioned by the Plan will ultimately involve the expenditure of millions of dollars, which will be financed in part through revenue bonds to be issued by the City of Miami Beach; and

WHEREAS, the City of Miami Beach desires to increase the viability of the Plan by establishing a redevelopment trust fund and funding it with annual tax increments all as provided in Section 163.387, Florida Statutes; and

WHEREAS, the City Clerk has published a public notice of a public hearing with respect to the fact that at this meeting the

City Commission would hold the first reading of an ordinance regarding the following: (i) adoption of a trust fund ordinance by the City of Miami Beach regarding the "City Center/Historic Convention Village Redevelopment and Revitalization Area" pursuant to Chapter 163, Part III, Florida Statutes, for the Redevelopment Area, (ii) directing staff to take such actions as are necessary and appropriate for the establishment and implementation of such trust fund ordinance, and (iii) providing for severability and providing and effective date; and

WHEREAS, the City Commission has at this meeting conducted a public hearing with respect to such first reading and other matters set forth hereinabove and hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. There shall be and is hereby established for the Agency a redevelopment trust fund (the "Fund") as defined in Section 163.387, Florida Statutes. Funds shall be allocated to and deposited into this Fund in the manner specified in Section 163.387, Florida Statutes and such funds shall be used by the Agency to finance or refinance any community redevelopment it undertakes pursuant to the Plan.

Section 2. The Fund shall be funded for the duration of the Plan.

Section 3. 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 (as defined in Chapter 163, Part III, Florida Statutes, as of the date of effectiveness of this ordinance) derived from or held in connection with the undertaking and carrying out of community redevelopment under Chapter 163, Part III, Florida Statutes. Such increments 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 Redevelopment 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 Redevelopment 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.

Section 4. Except for the purpose of funding the Fund pursuant to Section 5 of this ordinance, upon the adoption of this ordinance as herein provided, each Taxing Authority shall, by January 1 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 30 years) a sum which is no less than the increment as defined and determined in subsection (1) of Section 163.387, Florida Statutes (as in effect on the effective date of this ordinance), accruing to such Taxing Authority. If the Plan is amended or modified pursuant to Section 163.361(1), Florida Statutes, each such Taxing Authority shall make such annual appropriation for a period not to exceed 30 years after the date the Plan is amended. No Taxing Authority, including the City of Miami Beach, is exempt from the provisions of this Section 4.

Section 5. Notwithstanding the provisions Section 4, the obligations of the governing body which established the Agency to fund the Fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

Section 6. Any Taxing Authority which does not pay the increment to the Fund by January 1 shall pay to the Fund an amount equal to 5 percent of the amount of the increment and shall pay interest on the amount of the increment equal to 1 percent for each month the increment is outstanding.

Section 7. This ordinance being for a public purpose and for the welfare of the citizens of the City of Miami Beach, Florida, shall be liberally construed to effectuate the purposes thereof.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. The City Commission hereby and herewith directs the staff of the City of Miami Beach to take such actions as are necessary and appropriate for the establishment and implementation of this ordinance. It is the intention of the City Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the municipal code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 10. This ordinance shall be effective and shall be adopted upon the later to occur of the following: (i) ten (10) days after the date of its second reading, or (ii) the approval of the Plan by the Board of County Commissioners of Dade County, Florida.

Passed this 24th day of February, 1993.



Mayor

Attest: 

City Clerk

1st reading 2/12/93
2nd reading 2/24/93

FORM APPROVED
LEGAL DEPT.

By JCD

Date 2-10-93

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY MANAGER

TELEPHONE: (305) 673-7010
FAX: (305) 673-7782

COMMISSION MEMORANDUM NO. 112-93

TO: Mayor Seymour Gelber and
Members of the City Commission

DATE: February 24, 1993

FROM: Roger M. Carlton
City Manager

SUBJECT: **ADOPTION OF A TRUST FUND ORDINANCE OF THE CITY OF MIAMI BEACH REGARDING THE "CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA" PURSUANT TO CHAPTER 163, PART III, FLORIDA STATUTES FOR A CERTAIN GEOGRAPHIC AREA WITHIN THE CITY OF MIAMI BEACH, CALLED THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, DESCRIBED GENERALLY AS BEING BOUNDED ON THE EAST BY THE ATLANTIC OCEAN, ON THE NORTH BY 24TH STREET, ON THE WEST BY WEST AVENUE, AND ON THE SOUTH BY 14TH LANE; DIRECTING STAFF TO TAKE SUCH ACTIONS AS ARE NECESSARY AND APPROPRIATE FOR THE ESTABLISHMENT AND IMPLEMENTATION OF SUCH TRUST FUND ORDINANCE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION:

The Administration recommends that the City Commission adopt the trust fund ordinance establishing the trust fund for the City Center/Historic Convention Village Redevelopment and Revitalization Area pursuant to Section 163, Part III, Florida Statutes.

BACKGROUND:

On Friday, February 12, 1993, at a special meeting of the City Commission of the City of Miami Beach, the attached ordinance, which calls for the creation of a trust fund for the City Center/Historic Convention Village Redevelopment and Revitalization Area, passed its first reading. In accordance with Section 9 of the City Charter of the City of Miami Beach, Florida, the ordinance is being submitted for its second and final reading.

Upon passage of this ordinance, approval of the Board of County Commissioners will be sought on March 16, 1993.

CONCLUSION

The City Commission should approve the Ordinance to set up the trust fund.

RMC/jph

Attachment

2

-1-

AGENDA
ITEM

R-3-B

DATE

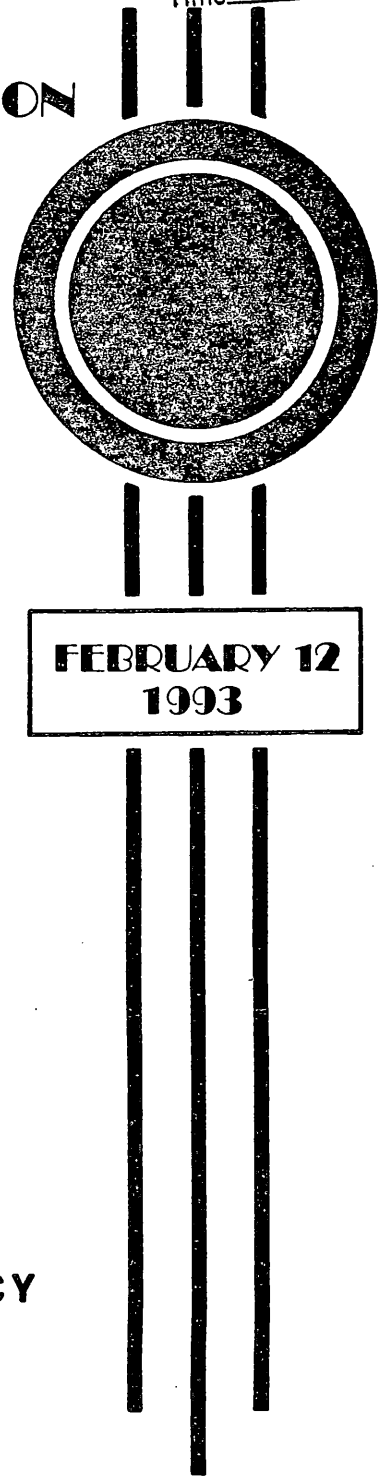
2-24-93

RECEIVED
CITY OF MIAMI BEACH DEPT.

DEC 8 1993

met
time 10:10

**CITY CENTER
HISTORIC CONVENTION VILLAGE
REDEVELOPMENT AND REVITALIZATION
AREA PLAN**



**ADOPTED BY THE CITY COMMISSION OF
THE CITY OF MIAMI BEACH AND
THE MIAMI BEACH REDEVELOPMENT AGENCY
ON FEB. 12, 1993**

**PREPARED BY:
THE CITY OF MIAMI BEACH
DEPARTMENT OF DEVELOPMENT, DESIGN &
HISTORIC PRESERVATION SERVICES**

**CITY CENTER
HISTORIC CONVENTION VILLAGE
REDEVELOPMENT AND REVITALIZATION
AREA PLAN**

Mayor: Seymour Gelber

Commissioners:

Sy Eisenberg
Susan F. Gottlieb
Neisen O. Kasdin
David T. Pearlson
Abe Resnick
Martin Shapiro

City Manager: Roger M. Carlton

Assistant City Manager: Stuart L. Rogel

Development, Design & Historic Preservation
Services Director: Harry S. Mavrogenes

Special Counsel to City of Miami Beach and
Miami Beach Redevelopment Agency:

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Miami, Florida 33128

City of Miami Beach
Development, Design & Historic Preservation Services Department
1700 Convention Center Drive
Miami Beach, Florida 33139
(305) 673-7193

**CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT
AND REVITALIZATION AREA PLAN
FOR THE CITY OF MIAMI BEACH**

FEBRUARY 12, 1993

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