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ORDINANCE NO. 2011-07

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO REVISE AND RESTATE CHAPTER 41, ARTICLE III, SPRING HILL COMMUNITY REDEVELOPMENT TRUST FUND, TO INCORPORATE PROVISIONS OF ORDINANCE 2004-13, CREATING THE COMMUNITY REDEVELOPMENT AGENCY, AND TO ALLOW THE COUNTY CHAIR TO DESIGNATE AN ALTERNATE COUNTY COUNCIL MEMBER TO SERVE ON THE AGENCY BOARD OF COMMISSIONERS; REPEALING ORDINANCE 2004-13; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

20 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS
21 FOLLOWS:

22
23 **(Words in ~~strike-through~~ type are deletions; words in underscore type are**
24 **additions.)**

25
26 **SECTION I:** Chapter 41, Article III, Spring Hill Community Redevelopment Trust Fund of the
27 Code of Ordinances of the County of Volusia, is amended to read as follows:

28
29 **Sec. 41-71 Authority; findings.**

30 (1) This article is adopted under the authority of chapter 163, part III, Florida Statutes,
31 and article VIII, section 1(g), Florida Constitution.

32 (2) By Resolution 2004-176, the county council determined that one or more slum or
33 blight areas exist within the City of DeLand and unincorporated county, an area together
34 known as Spring Hill; found a need to create a community redevelopment agency; and
35 established the Spring Hill Community Redevelopment Area with boundaries as set forth in the
36 appendix to this article.

1 (3) By Resolution 2005-129, the county council approved the Spring Hill Community
2 Redevelopment Plan, subject to amendment as provided by law.

3 **Sec. 41-72 Community Redevelopment Agency.**

4 (1) The county council establishes the Spring Hill Community Redevelopment Agency,
5 effective September 9, 2004, the adoption date of Ordinance 2004-13.

6 (2) The agency shall be governed by a board of commissioners which shall consist of
7 seven members. Three shall be the county chair or a county council member designated by
8 the chair, the district one county council member, and the DeLand mayor; two shall be city
9 commission members, nominated by the commission and appointed by the county council; and
10 two shall be county electors appointed by the county council, one of which shall be nominated
11 by the city. The city may require that its nominee reside or do business in the city. County
12 council and city commission members shall serve agency terms which expire concurrently with
13 the end of their elective office. The two elector members shall have terms which expire March
14 31, 2015, and each four years thereafter. The terms of the current elector members are
15 extended to March 31, 2015. The county council may remove elector members as provided by
16 statute.

17 (3) The DeLand mayor shall serve as chair and the district one county council member
18 as vice chair of the board of commissioners.

19 **Sec. 41-743. Trust Fund Established.** There is hereby established and created, in
20 accordance with the provisions of the act [F.S. § 163.387], a redevelopment trust fund (the
21 "fund") for the Spring Hill Community Redevelopment Area trust fund, which fund shall be
22 maintained separately and utilized and expended for the purposes of and in accordance with
23 the plan [community redevelopment plan], including any amendments or modifications thereto

1 approved by the council including any "community redevelopment," as that term is defined in
2 F.S. § 163.340(9) under the plan, and consistent with law.

3 **Sec. 41-72. Uses of fund.** ~~The monies to be allocated to and deposited into the fund~~
4 ~~shall be used to finance community redevelopment within the area according to tax increment~~
5 ~~revenues attributed to the area, which shall be appropriated by the agency. The agency shall~~
6 ~~utilize the funds and revenues paid into and earned by the fund for community redevelopment~~
7 ~~purposes as provided in the plan [community redevelopment plan] and as permitted by law.~~
8 The fund shall exist for the duration of the community redevelopment undertaken by the
9 agency pursuant to the plan, to the extent permitted by the act [F.S. § 163.387]. Monies shall
10 be held in the fund. The agency board of commissioners shall be the fund trustees. They shall
11 be responsible for the receipt, disbursement, accountability, management, investment, and
12 proper application of all money paid into the fund. by tThe City of DeLand shall be the
13 custodian of the fund; act and for and on behalf of the agency; i and dispersed disburse from
14 the fund as provided by the agency. The agency shall utilize city accounting standards and
15 procurement policies. The fund shall be maintained as a separate trust fund.

16 **Sec. 41-734. Annual payment to fund.**

17 ~~There shall be paid into the fund each year by each of the~~ Each ~~taxing authorities,~~ as
18 that term is defined in F.S. § 163.340(2), which levying levies ad valorem taxes within the
19 community redevelopment area, ~~a sum equal to~~ shall annually appropriate and pay into the
20 fund 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing
21 authority, as calculated in accordance with section ~~41-75 of this article and the act [F.S. §~~
22 ~~163.387(1).],~~ based on the base tax year established in section 41-74 of this article, such
23 ~~annual sum being hereinafter referred to as the "tax increment."~~ The increment shall be

1 calculated using the assessment value of January 1, 2004. Tax increment payments
2 commenced with those due prior to January 1, 2006. The obligation of taxing authorities other
3 than the county to annually appropriate and deposit the tax increment shall continue until the
4 payment due prior to January 1, 2045, shall have been paid. The obligation of the county shall
5 be for the same forty years and thereafter for so long as any indebtedness pledging increment
6 revenue has been paid.

7 ~~**Sec. 41-74. Assessment roll.** The most recent assessment roll used in accordance~~
8 ~~with the taxation of property prior to the effective date of this article shall be the preliminary~~
9 ~~assessment roll of taxable real property in Volusia County, Florida, prepared by the Property~~
10 ~~Appraiser of Volusia County, Florida, and filed with the department of revenue pursuant to F.S.~~
11 ~~§ 193.1142, reflecting valuation of real property for purposes of ad valorem taxation as of~~
12 ~~January 1, 2004 (the base year value), and all deposits into the fund shall be in the amount of~~
13 ~~tax increment calculated as provided in section 41-75 hereof based upon increases in~~
14 ~~valuation of taxable real property from the base year value.~~

15 ~~**Sec. 41-75. Calculation of tax increment.** The tax increment shall be determined and~~
16 ~~appropriated annually by each taxing authority, and shall be an amount equal to 95 percent of~~
17 ~~the difference between:~~

- 18 ~~(1) That amount of ad valorem taxes levied each year by all taxing authorities on taxable real~~
19 ~~property located within the geographic boundaries of the community redevelopment area; and~~
20 ~~(2) That amount of ad valorem taxes which would have been produced by the rate upon~~
21 ~~which the tax is levied each year by or for all taxing authorities, upon the total of the assessed~~
22 ~~value of the taxable real property in the community redevelopment area as shown upon the~~

1 ~~assessment roll used in connection with the taxation of such property by all taxing authorities,~~
2 ~~prior to the effective date of this article.~~

3 **~~Sec. 41-76. Annual appropriation.~~**

4 ~~All taxing authorities shall annually appropriate to and cause to be deposited in the fund~~
5 ~~the tax increment determined pursuant to section 41-75 of this article at the beginning of each~~
6 ~~fiscal year thereof as provided in the act [F.S. § 163.387]. The obligation of each taxing~~
7 ~~authority to annually appropriate the tax increment for deposit in the fund shall commence~~
8 ~~immediately upon effective date of this article, and continue to the extent permitted by the act~~
9 ~~so long as any indebtedness pledging increment revenue have been paid.~~

10 **~~Sec. 41-77. Separate trust fund.~~** ~~The fund shall be established and maintained as a~~
11 ~~separate trust fund by the agency so that the fund may be promptly and effectively~~
12 ~~administered and utilized by the agency expeditiously and without undue delay for its statutory~~
13 ~~purpose pursuant to the plan [community redevelopment plan].~~

14 **~~Sec. 41-78. Trustees; custodian.~~** ~~The governing body of the agency shall be trustees~~
15 ~~of the fund [and] shall be responsible for the receipt, disbursement, accountability,~~
16 ~~management, investments and proper application of all monies paid into the fund. The City of~~
17 ~~DeLand shall be the custodian of the fund and shall be responsible for administering the fund~~
18 ~~as authorized by the agency as to all monies paid into the fund in accordance with the~~
19 ~~accounting standards and procurement policies of the City of DeLand.~~

20
21 **SECTION II: OTHER CODE PROVISIONS NOT AFFECTED.** Except as amended herein, the
22 provisions of the Code of Ordinances of the County of Volusia remain in full force and effect.

23 **SECTION III: REPEAL OF ORDINANCE 2004-13.** Ordinance 2004-13 is hereby repealed.

1 **SECTION IV: NON-SEVERABILITY.** If any portion of this Ordinance shall be determined
2 invalid, it shall be considered invalid in its entirety, and the repeal for which it provides shall
3 have no force and effect.

4 **SECTION IV: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall
5 be included and incorporated into the Code of Ordinances of the County of Volusia, as
6 additions or amendments thereto, and shall be appropriately renumbered to conform to the
7 uniform numbering system of the Code.

8 **SECTION V: EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the
9 Department of State by the County Manager within ten (10) days after enactment by the
10 County Council and this Ordinance shall take effect upon filing with the Department of State.

11

12 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
13 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS
14 C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,
15 THIS 17th DAY OF MARCH A.D., 2011.

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ATTEST:

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James T. Dinneen, County Manager

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COUNTY OF VOLUSIA, FLORIDA


Frank T. Bruno, Jr., County Chair

APPENDIX

LEGAL DESCRIPTION FOR SPRING HILL COMMUNITY
REDEVELOPMENT DISTRICT

A portion of Sections 20, 21, 28, and 29, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Begin at the intersection of the southerly extension of the East line of the West ½ of the Southeast ¼ of the Southwest ¼ of said Section 21 and the North line of the plat of PLUMOSUS PARK, as recorded in Map Book 44, Page 127, of the Public Records of Volusia County, Florida said North line being also the South right-of-way line of Taylor Road; thence run westerly along said South right-of-way line to the East right-of-way line of State Road 17/92; thence continue westerly along the South right-of-way line of State Road 15A as depicted on the Florida Department of Transportation Right-of-Way Map, Section 79160-2509 Sheet 3, dated July 12, 2001, to its intersection with the West line of Lot 1, THE CROSSROADS (The Shoppes of Victoria Square), according to the plat thereof recorded in Map Book 43, Page 192, of the Public Records of Volusia County, Florida; thence run southerly along the West line of said Lot 1 to the South line of the North 1/3 of the Northwest ¼ of the Northwest ¼ of said Section 28; thence run westerly along said South line of the North 1/3 of the Northwest ¼ of the Northwest ¼ of said Section 28 and its westerly extension to a point in the West right-of-way line of Clara Avenue; thence run southerly along said right-of-way line to the South line of the North ½ of the Southeast ¼ of the Northeast ¼ of the Northeast ¼ of said Section 29; thence run westerly along said South line to the West line of the East ½ of the Northeast ¼ of the Northeast ¼ of said Section 29; thence run northerly along said West line to the South line of the Northwest ¼ of the Northeast ¼ of the Northeast ¼ of said section 29; thence run westerly along said South line to the West line of the East 200 feet of the West 430 feet of the Northwest ¼ of the Northeast ¼ of the Northeast ¼ of said Section 29; thence run northerly along said West line to the South line of the North 250 feet of the West 230 feet of Northwest ¼ of the Northeast ¼ of the Northeast ¼ of said Section 29; thence run westerly along said South line to the East line of the Northwest ¼ of the Northeast ¼ of said Section 29; thence run northerly along said East line to the North line of said Section 29; thence run westerly along said North line of Section 29 to the southerly extension of the West right-of-way line of Stone Street; thence run northerly along said West right-of-way line to the South line of the Southeast ¼ of the Northeast ¼ of the Southwest ¼ of said Section 20; thence run westerly along said South line to the West line of the Southeast ¼ of the Northeast ¼ of the Southwest ¼ of said Section 20;

1 thence run northerly along said West line to the South line of the
2 Northwest ¼ of the Northeast ¼ of the Southwest ¼ of said section 20;
3 thence run westerly along said South line to the West line of the Northwest
4 ¼ of the Northeast ¼ of the Southwest ¼ of said Section 20; thence run
5 northerly along said West line to the South line of the Northwest ¼ of said
6 Section 20; thence run easterly along said South line to its intersection
7 with the southerly extension of the East right-of-way line of Stone Street;
8 thence run northerly along said East right-of-way line to its intersection
9 with the southwesterly right-of-way line of State Road 15A as depicted on
10 the aforementioned Right-of-Way Map; thence run northwesterly along
11 said right-of-way line to the South line of the South ½ of the Northwest ¼
12 of said Section 20; thence run westerly along said South line to the East
13 right-of-way line of Spring Garden Avenue; thence run northerly along said
14 East right-of-way line to the North line of the South 135.65 feet of the
15 Southwest ¼ of the Northwest ¼ of the Northwest ¼ of said Section 20;
16 thence run easterly along said North line to the East line of the West
17 165.00 feet of the Southwest ¼ of the Northwest ¼ of the Northwest ¼ of
18 said Section 20; thence run northerly along said east line to the North line
19 of the South 215.65 feet of the Southwest ¼ of the Northwest ¼ of the
20 Northwest ¼ of said Section 20; thence run Westerly to the aforesaid East
21 right-of-way line of Spring Garden Avenue; thence run northerly along said
22 East right-of-way line to South right-of-way line of Beresford Avenue;
23 thence run easterly along said South right-of-way line to its intersection
24 with the easterly line of that certain parcel of land described in Official
25 Records Book 3730, Page 4508, of the Public Records of Volusia County,
26 Florida; thence run southerly along said easterly line to the Northeast
27 corner of the South 300 feet of the North 430 feet of the West 250.17 feet
28 of the West ½ of the Northeast ¼ of the Northwest ¼ of said Section 21;
29 thence run southerly along the East line of the said West 250.17 feet to
30 the North line of the North 360 feet of the South 560 feet of the North ¾ of
31 the West ½ of the Northeast ¼ of the Northwest ¼ of said Section 21;
32 thence run easterly along said North line to the East line of the North 360
33 feet of the South 560 feet of the North ¾ of the West ½ of the Northeast ¼
34 of the Northwest ¼ of said Section 21; thence run southerly along said
35 East line to the South line of the North 360 feet of the South 560 feet of
36 the North ¾ of the West ½ of the Northeast ¼ of the Northwest ¼ of said
37 Section 21; thence run westerly along said South line to the East line of
38 the West 314.23 feet East of the State Road 17/92, of the West ½ of the
39 Northeast ¼ of the Northwest ¼ of said Section 21; thence run southerly
40 along said East line to the North line of SOUTH BOULEVARD GARDENS,
41 according to the plat thereof recorded in Map Book 8, Page 24, of the
42 Public Records of Volusia County, Florida; thence run westerly along said
43 North line to the Northwest corner of Lot 22 of said SOUTH BOULEVARD
44 GARDENS; thence run southerly along the West line of said Lot 22 to the
45 North right-of-way line of East Lisbon Parkway; thence run westerly along
46 said North right-of-way line 53.50 feet; thence run southerly and parallel

1 with the East line of Lot 7, SOUTH BOULEVARD GARDENS a distance of
2 50.00 feet to a point in the South right-of-way line which is 3.50 feet West
3 of the Northeast corner of said Lot 7; thence run easterly along said South
4 right-of-way line and its easterly projection a distance of 677.92 feet to the
5 Northeast corner of a parcel of land described in Official Records Book
6 5169, Page 4132, of the Public Records of Volusia County, Florida; thence
7 run southerly along the East line of said parcel a distance of 659.41 feet;
8 thence run westerly along the South line of said parcel a distance of
9 250.00 feet to the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the
10 Northwest $\frac{1}{4}$ of said Section 21; thence run southerly along said East line
11 to the North right-of-way line of New Hampshire Street; thence run
12 westerly along said North right-of-way line to its intersection with the
13 northerly extension of the West line of Lot 47, BOULEVARD HIGHLANDS
14 SUBDIVISION, according to the plat thereof recorded in Map Book 10,
15 Page 121, of the Public Records of Volusia County, Florida; thence
16 southerly along said West line to the Southwest corner of said Lot 47;
17 thence run easterly along the North line of Lots 16, 17 and 18 said
18 BOULEVARD HIGHLANDS SUBDIVISION, a distance of 65 feet; thence
19 run southerly along a line which lies 15 feet east of and parallel with the
20 West line of said Lot 18 to the North right-of-way line of Gilbert Street;
21 thence run easterly along said North right-of-way line to its intersection
22 with the northerly extension of the East line of Lot 93 said BOULEVARD
23 HIGHLANDS SUBDIVISION; thence run southerly along said East line
24 and its southerly extension to the North right-of-way line of Andover
25 Street; thence run westerly along said North right-of-way line to its
26 intersection with the East line of the West 102 feet of Lots 1 through 6
27 inclusive, SO-DEL SUB, according to the plat thereof recorded in Map
28 Book 19, Page 108, of the Public records of Volusia County, Florida;
29 thence run southerly along said east line to the North line of Lot 7 said
30 SO-DEL SUB; thence run easterly along said North line to the West right-
31 of-way line of First Street; thence run southerly along said West right-of-
32 way line to the South right-of-way line of Sherman Road; thence run
33 easterly along said South right-of-way line to the East line of the West $\frac{1}{2}$
34 of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 21; thence run
35 southerly along said East line and its southerly extension to the POINT OF
36 BEGINNING.