



SECTION 30. ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES

30.10 CASSELBERRY COMMUNITY REDEVELOPMENT AGENCY

30.10.5

RESOLUTION NO. 95-R-255

SEMINOLE COUNTY, FLORIDA

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF NOVEMBER 14, 1995.

WHEREAS, Seminole County is a political subdivision of the State of Florida which has adopted a Home Rule Charter; and

WHEREAS, the City of Casselberry is a Florida municipal corporation which is wholly located within the jurisdictional boundaries of Seminole County; and

WHEREAS, the City of Casselberry and Seminole County have engaged in positive dialogue and communications in an effort to encourage vibrant economic development within the incorporated area of the City of Casselberry and the unincorporated areas of Seminole County; and

WHEREAS, the City of Casselberry and Seminole County have for many years attempted to resolve issues relating to water and sewer utility service rate equity and parity with regard to the rates charged to utility customers of the City of Casselberry who are located in unincorporated Seminole County; and

WHEREAS, with a common and united commitment to the progressive and positive economic development for the benefit of the citizens of the City of Casselberry and unincorporated Seminole County, the City Commission of the City of Casselberry and the Board of County Commissioners of Seminole County have collaborated with regard to the development and implementation of a plan of economic development which includes the creation of a community redevelopment agency with economic redevelopment jurisdiction over certain areas and properties proximate to United States Highway 17/92; and

WHEREAS, in the spirit of intergovernmental coordination and cooperation the City Commission of the City of Casselberry and the Board of County Commissioners of Seminole County have developed a framework which can be pursued in order to establish rate equity and parity for residents of unincorporated Seminole County who are served by the City of Casselberry's utilities; and

WHEREAS, pursuant to Section 163.410, Florida Statutes (1993), Seminole County may delegate to the governing bodies of municipalities within Seminole County, the exercise of such powers conferred upon Seminole County by Part III, Chapter 163, Florida Statutes (1993), as amended, as Seminole County may deem appropriate; and



WHEREAS, Section 163.410, Florida Statutes (1993), permits such a delegation to be made subject to such conditions and limitations as Seminole County may impose; and

WHEREAS, the City of Casselberry has adopted Resolution Number 95-898 and has requested that Seminole County delegate to the City of Casselberry, pursuant to Section 163.410, Florida Statutes (1993), the right and authority to exercise certain powers conferred upon Seminole County by Part III, Chapter 163, Florida Statutes (1993), as amended, such powers to specifically include the power to create a Community Redevelopment Agency as part of the municipal public body or taxing authority, together with necessary appurtenant responsibilities, rights and authority as a governing body serving as a Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes (1993), as amended.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA,

That, pursuant to Section 163.410, Florida Statutes (1993), the Board of County Commissioners of Seminole County, Florida, acting for and on the behalf of Seminole County, Florida, as limited by the provisions hereof and as conditioned upon the performance of the City of Casselberry relative to certain performance criteria set forth herein, hereby delegates to the City of Casselberry such authority, rights, and responsibilities conferred upon Seminole County pursuant to Part III, Chapter 163, Florida Statutes (1993), as amended, in order that the City of Casselberry may create and establish a Community Redevelopment Agency within its municipal boundaries subject to the conditions and limitations set forth herein.

BE IT FURTHER RESOLVED, that the above delegation is subject to the following conditions which, by accepting the delegation made herein, the City of Casselberry fully and completely agrees to perform, implement, abide by, act consistent with and adhere to:

(a) In accordance with Section 163.410, Florida Statutes (1993), this delegation " ... shall confer only such powers ... as shall be specifically enumerated in [this] ... delegating resolution" and the City of Casselberry shall be charged with and solely responsible for making any and all necessary findings relative to the actions taken with regard to the creation of a Community Redevelopment Agency and any and all actions taken subsequent to the creation of said Community Redevelopment Agency.

(b) The power delegated herein is the authority to create a Community Redevelopment Agency for a period of thirty (30) years relating only to the property (the "Community Redevelopment Area") described in Exhibit A hereto. Subject properties relate to a proposed City of Casselberry Central City District containing numerous parcels of property and being located in an area lying both to the east and west of United States Highway 17/92 within the existing municipal limits of the City of Casselberry. If unincorporated properties within the Community Redevelopment Area Study Area voluntarily petition for annexation, it is the intent of Seminole County to require that all formal processes be accomplished relative to the inclusion of said properties into the Community Redevelopment Area.



(c) None of the "increment revenues" derived by Seminole County shall be appropriated by Seminole County or deposited in the Redevelopment Trust Fund in accordance with Section 163.3187, Florida Statutes (1994 Supplement), as amended by Chapters 95-147, 95-310, 95-322 and 95-396, Laws of Florida. No Seminole County tax revenues, equivalent revenues, or any other County funds of any kind shall be used in any way to fund the Community Redevelopment Agency created by the City of Casselberry nor any of said Agency's programs or projects. In no event may the City of Casselberry pledge or assert any interest in any Seminole County revenues or funds.

(d) In the event that a joint planning agreement, as contemplated in paragraph (e), below, has been entered by and between Seminole County and the City of Casselberry on or before December 31, 1996, and a utility surcharge reduction interlocal agreement as described in paragraph (f), below; the City of Casselberry may seek and request from Seminole County the dedication of County tax increment revenues to the Community Redevelopment District. In the event that the City of Casselberry has, to the satisfaction of Seminole County, entered into both the joint planning and utility surcharge reduction interlocal agreements contemplated herein; the tax increment revenues derived from Seminole County revenues may, by means of the due adoption of a resolution by the Board of County Commissioners of Seminole County, be dedicated to the Community Redevelopment Agency created herein and the term of the Community Redevelopment Agency may be extended from fifteen (15) years to a maximum of thirty (30) years.

(e) The aforementioned joint planning agreement shall address, at a minimum, annexation issues and policies, the coordination of the provision of public services, the possible Seminole County contribution of tax increment revenues and possible extensions of the term of existence pertaining to the Community Redevelopment Agency. The goal of the joint planning agreement shall be, among other things, to achieve service delivery and fiscal impact equities for the citizens of Seminole County who are affected by the policies and programs of the City of Casselberry. With the addition of utility rate equity issues as identified in paragraph (f) below, it is intended that the scope and context of the agreement shall otherwise be similar to that Agreement entered into by the City of Sanford and Seminole County titled "Seminole County/City of Sanford Joint Planning Interlocal Agreement", dated November 21, 1991.

(f) The aforementioned utility surcharge reduction interlocal agreement is intended to address a utility rate equity program entailing the equalization of utility rates/investments with regard to all customers served by the City of Casselberry's utility systems. The goal of this program shall be that the City of Casselberry implement rate equity throughout its utility systems in conjunction with preserving fiscal integrity of the systems with utility related fees and charges including, but not limited to, surcharges charged to customers in the unincorporated area of Seminole County. Specifically, it is contemplated that such unincorporated area customers should have no increase over the current surcharge paid and, thus, any utility rate increase resulting from an economic necessity of the City of Casselberry should not incorporate the surcharge charged to customers in the unincorporated area of Seminole County. Additionally, it is intended that the City of Casselberry should implement a utility rate surcharge reduction for its customers located outside of the City Limits which totals, in terms of total reductions, no



less than fifty percent (50%) of Seminole County's annual contribution of tax increment revenues.

(g) If the City of Casselberry has not created and established the Community Redevelopment Agency, the Central City Redevelopment Area and the Redevelopment Trust Fund on or before December 31, 1995, then the delegation set forth in this Resolution shall be deemed terminated and shall be of no further force or effect.

(h) Any proposed additional Redevelopment Districts or any proposed expansion of the Central City Redevelopment Study Area shall require that the City of Casselberry seek and request an additional delegating resolution from Seminole County and, to that end, this delegating Resolution shall not be deemed or construed, in any way, as a general delegation by Seminole County nor a pledge of any Seminole County funds or revenues to be used by the City of Casselberry, the Community Redevelopment Agency or within the Community Redevelopment District.

(i) Neither the City of Casselberry nor the Community Redevelopment Agency shall contest or challenge any provision, term or condition of this Resolution.

(j) The Casselberry City Commission shall serve as the Board of Commissioners of the Casselberry Community Redevelopment Agency.

(k) Should Seminole County create a Community Redevelopment Agency with jurisdiction over the City of Casselberry's Community Redevelopment Area as set forth herein, the delegation set forth herein shall automatically terminate and expire and the Community Redevelopment Agency created hereunder shall terminate and cease to exist in accordance with whatever schedule Seminole County may establish when creating the new Community Redevelopment Agency. The City of Casselberry shall structure and implement all actions relative to the creation and implementation of the Community Redevelopment Agency in order to facilitate and contemplate such contingent termination, expiration and dissolution.

(l) Any and all actions relative to the creation and implementation of the Community Redevelopment Agency shall be structured and configured in such a way as to facilitate the consolidation of the Community Redevelopment Agency and all of its projects and programs into any multi-jurisdictional or countywide Community Redevelopment Agency that may be established in the future by Seminole County. To that end, all documents of creation and implementation of the Community Redevelopment Agency shall provide for the contingent future transfer of any and all projects, programs, assets, property, funds, obligations and liabilities to Seminole County and/or a multi-jurisdictional or countywide Community Redevelopment Agency established by Seminole County; provided, however, that any funds on account at the time of termination, expiration or dissolution of the City of Casselberry Community Redevelopment Agency that are not encumbered or pledged as security for any indebtedness shall be transferred to the City of Casselberry for use, as the City of Casselberry deems fit, within the proposed City of Casselberry Central City District; provided, further, however, that any real or personal property that has been purchased with Community Redevelopment Agency funds shall become the property of the City of Casselberry unless pledged or encumbered.



(m) The City of Casselberry shall, to the fullest extent authorized by law, hold harmless and indemnify Seminole County for and against any losses or claims of any and all types or natures whatsoever resulting in any way whatsoever from the creation of the Community Redevelopment Agency and any and all activities of any types or natures of or by the Community Redevelopment Agency or the City of Casselberry.

BE IT FURTHER RESOLVED, that any action by the City of Casselberry or the contemplated Community Redevelopment Agency in conflict with the limitations and requirements stated herein shall immediately revoke and rescind the authorization and delegation to the full extent made in this Resolution.

BE IT FURTHER RESOLVED that this delegation is made at the request of the City of Casselberry and shall not be construed to represent the taking on or acceptance of any obligation by Seminole County or the making of any required finding or action by Seminole County pursuant to Chapter 163, Florida Statutes (1993), as amended, or any other law, rule or regulation (except only as to Seminole County's consent that the City of Casselberry may create a Community Redevelopment Agency pursuant to the terms and conditions hereof and consistency with the provisions of the Seminole County Comprehensive Plan) relative to the creation of community redevelopment agencies or areas and any actions relating thereto.

BE IT FURTHER RESOLVED that if any clause, paragraph, provision, sentence, term, condition or part of this Resolution is found to be invalid, inoperable, unconstitutional, unenforceable or otherwise contrary to law; then this entire Resolution shall be of no force, effect or meaning and, to that end, this Resolution is non-severable. Moreover, this Resolution should not be construed to constitute Seminole County approval of the funding of an administrative building for any public body out of tax increment revenues.

ADOPTED this 14th day of November, 1995.

AS AMENDED this 15th day of November, 2016.

*Note: Exhibit A is on record with the Clerk of the Circuit Court.

AUTHORITY: Resolution 2008-R-236 adopted October 28, 2008
Resolution 2010-R-26 adopted January 26, 2010
Resolution 2012-R-107 adopted June 12, 2012
Resolution 2015-R-50 adopted March 10, 2015
Resolution 2015-R-106 adopted June 23, 2015
Resolution 2016-R-184 adopted November 15, 2016