

RESOLUTION NO. 18-18

RESOLUTION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING AN AMENDMENT TO THE AMENDED AND RESTATED CITY CENTER COMMUNITY REDEVELOPMENT PLAN FOR THE EXPANDED CITY CENTER AREA PLAN BY INCORPORATING ALL PAST AND CURRENT AMENDMENTS TO THE PLAN AND ANNUAL FINANCE PLANS INCLUDING THE STRATEGIC FINANCE PLAN FOR THE DOWNTOWN/CITY CENTER CRA DISTRICT, AMENDMENT 12; REMOVING REFERENCE TO CRA'S EMINENT DOMAIN POWER; EXTENDING THE DATE FOR COMPLETION OF PROJECTS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, on February 27, 1997, the City Commission of the City of West Palm Beach adopted the Amended and Restated Community Redevelopment Plan for the Expanded City Center Area (the "Plan") pursuant to Resolution No. 76-97; and

WHEREAS, Resolution No. 445-01 amended the Plan to provide for residential incentive programs, additional community policing innovations, establish loan programs and participate in marketing activities within the Downtown Community Redevelopment area; and

WHEREAS, Resolution No. 375-02 amended the Plan providing for the Revitalization of Banyan Boulevard Corridor; and

WHEREAS, Resolution No. 492-05 adopted and amended the Amended and Restated City Center Plan by incorporating all past and current amendments to the Plan; and

WHEREAS, Resolution No. 17-40 approved adoption of the Strategic Finance Plan for the Downtown/City Center CRA District, Amendment 12; and

WHEREAS, Section 163.361(1), Florida Statute requires the Agency recommend the proposed amendments to the City Commission for adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY that:

SECTION 1: The Agency recommends that the City Commission adopt the proposed Amendment to the Amended and Restated City Center Community Redevelopment Plan for the City Center area. A copy of the Amendment is attached hereto as Exhibit A.

SECTION 2: This Resolution shall take effect immediately upon passage.

[SIGNATURES ON FOLLOWING PAGE]

RESOLUTION NO. 18-18

PASSED AND ADOPTED THIS 21ST DAY OF MAY, 2018.



ATTEST:

X *Hazeline F. Carson*

SECRETARY
Signed by: Hazeline F Carson

**WEST PALM BEACH
COMMUNITY REDEVELOPMENT AGENCY:**

X *Geraldine Muoio*

CHAIR
Signed by: Geraldine Muoio

**APPROVED AS TO FORM AND
LEGALITY:**

5/18/2018

X *Kimberly L. Rothenburg*

CRA ATTORNEY
Signed by: Kimberly L Rothenburg

EXHIBIT A

I. INTRODUCTION

A. INTENT OF THE AMENDED AND RESTATED CITY CENTER COMMUNITY REDEVELOPMENT PLAN

The Community Redevelopment Agency has prepared this amended and restated plan as a portion of a workable program for utilizing public resources and encouraging private resources to eliminate and prevent the development or spread of slum and blight conditions, to provide for rehabilitation and redevelopment of slum and/or blighted areas, to encourage housing affordable to residents of low and moderate income, including elderly, and to guide public improvements to suitably achieve the objectives of the program.

The plan will direct the actions taken by the Agency with regard to capital facilities improvements and redevelopment projects as they affect the City Center redevelopment area. It will guide the future density of commercial and residential development, as well as prescribe a variety of people-oriented amenities to be provided by the public and private sectors. It also describes how future development will, be encouraged, while adequate capital facilities are provided and natural features are enhanced.

II. CITY CENTER REDEVELOPMENT AREA GOALS

A. INTRODUCTION

The City Center Redevelopment Area is a diverse area having many opportunities and constraints for a widely varied set of interests. The goals in the Plan are intended to provide a basis for decision making by the Agency as well as stating a general direction for action. As future decisions are made, it should be acknowledged that no one goal is intended to supersede another in the development of this Plan.

The Plan addresses a varied set of issues and recognizes the potential for conflicting goals and needs of the many groups interested in the City Center Redevelopment Area. The overriding principle followed in the Plan preparation is that the City Center serves people. The ultimate built environment and the accompanying services are designed to improve the quality of the downtown experience for the citizens of and visitors to West Palm Beach.

B. GOALS

A community's goals represent a desired ultimate state or condition. They provide a scale against which community progress can be measured. Goals provide direction for establishing public policy; preparing development standards; approaching fiscal resources; prioritizing capital improvement programs;

establishing annual work programs for city departments; and short term planning efforts. The Agency has established the following goals:

- 1. The City, with the support of the Community Redevelopment Agency shall aggressively pursue redevelopment and revitalization of the City Center Redevelopment Area. The City Center Redevelopment Area shall remain the legal, commercial, financial and governmental center of Palm Beach County.

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- 12. The Agency, in cooperation with private development interests and the City, may encourage the revitalization of the Downtown Uptown DRI and the Additional Project Site Area by acquiring property located in the DRI and the Additional Project Site Area as well as other surrounding properties located within the Redevelopment Area through the applicable Agency's power of eminent domain for the purpose of promoting redevelopment of the area south of Okeechobee Boulevard for a convention center project, hotel, office and retail project or residential project, and the development of a mixed use retail, office, hotel, and residential project to the north of Okeechobee Boulevard.

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- 21. The agency shall strive to utilize a portion of the tax increment funds received to assist in the development and funding of the Downtown Uptown DRI, and the Additional Project Site Area and surrounding properties located within the Redevelopment Area and to establish a housing assistance program in the Redevelopment Area.

Objective 1. Tax increment revenues will potentially be used for the payment of principal and/or interest on bonds issued to finance portions of redevelopment projects in the redevelopment project area.

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- ~~23. The power of eminent domain may be used in any manner which encourages City Center revitalization.~~

~~a. Objective 1. Eminent domain may be utilized to acquire lands necessary for public improvements.~~

~~b. Objective 2. The use of eminent domain for redevelopment purposes shall be exercised by the Agency upon final approval of the City Commission~~

- ~~c. Objective 3. The Agency, with approval of the eminent domain properties to assist one (1) or more specific redevelopment projects,~~

~~including but not limited to the construction of commercial development or affordable housing within the Northwest Neighborhood.~~

~~d. Objective 4. The Agency, with approval of the City Commission, may acquire by eminent domain small properties which prevent the accumulation of contiguous properties under unified ownership.~~

~~3. Objective 5. The provisions of this Section shall not be construed to limit the Agency's power of eminent domain as provided by Part III of Chapter 163, Florida Statutes, or as otherwise provided below.~~

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VI. PROPOSED PUBLIC IMPROVEMENTS

A. INTRODUCTION

As in most Florida communities, West Palm Beach faces a future of great need for capital facilities and services, but limited fiscal resources with which to pay for these facilities and services. The City shall continue to seek various methods of funding to increase its fiscal resources. The projects outlined in this Community Redevelopment Plan may involve a variety of funding sources, but emphasis is placed upon the use of Tax Increment Financing as the primary funding source.

Tax Increment Financing is an important opportunity for local governments. It is designed to allow local government to finance, over a term of years, front-end costs involved in the redevelopment of slum and blighted areas. By using this tool, a local government can develop and adopt a redevelopment plan, repave or reroute streets, provide other public improvements and open space, provide redevelopment assistance to residential and business owners and, if necessary, acquire property within a redevelopment area, clear deteriorated structures, and make the property available for redevelopment.

The purpose of tax increment financing is to provide a method whereby slum or blighted areas can effectively pay for their own redevelopment. This is accomplished by requiring that the additional ad valorem taxes generated by the redevelopment area be used to offset the public expense incurred in preparing the area for redevelopment.

The following graphic representation may offer a better understanding of how tax increment financing works.

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C. COMPLETION OF REDEVELOPMENT

All redevelopment contemplated by this Amended and Restated Redevelopment Plan which are to be financed by increment revenues shall be completed on or before September 30, 2036~~46~~ or at such later time as may hereafter be permitted by Florida law.

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VII. PLAN IMPLEMENTATION

A. INTRODUCTON

The CRA formally adopted a Strategic Finance Plan that provides redevelopment strategies and allocates funding utilizing the City’s bonding capacity for a five year redevelopment program. The Strategic Finance Plan is intended to act as an implementation or action Plan to implement many of the goals and objectives outlined in this original CRA Plan. The Strategic Finance Plan is intended to be updated annually as redevelopment progresses. The CRA formally adopted its annual Strategic Finance Plan for the Downtown/City Center CRA District Amendment No. 12 on September 18, 2017, by adoption of Resolution 17-40. Certain sections of this Plan will refer to the Strategic Finance Plan and are intended to include the intent of that plan in all redevelopment activity as described herein.

The key to success for any plan is the implementation of its objectives. The Community Redevelopment Act outlines the minimum criteria for community redevelopment plans and authorizes the use of various municipal powers to implement the plan. However, the success of the redevelopment depends upon the belief in the potential for the City Center Community Redevelopment Area and upon the enthusiastic support of community residents, businessmen, and other ~~persons~~ people interest in the area as well as the city staff, the Agency and Agency staff. This section outlines the implementation steps anticipated by the Agency. Many additional efforts will be important to the success of the redevelopment program.

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D. ACQUISITION OF PROPERTY FOR REDEVELOPMENT

1. General

The Act authorizes the Agency or City to acquire Real Property by purchase, ~~condemnation~~, gift, exchange or other lawful means in accordance with the approved Plan. The Agency shall acquire real property in the Redevelopment Area upon final approval of the City Commission at such times, in such phases, and in such quantities as may be required to carry out the intent and purpose of the Plan. The Agency may rehabilitate or may as a condition of sale, lease, or require a redeveloper or an owner-participant to rehabilitate, remodel, restore, repair, or otherwise improve property that is the subject of the sale, lease, or Agreement, in a manner prescribed by the city and Agency. The Agency may demolish, clear, or move buildings, structures, and other improvements from any real property in the Redevelopment Area which it has acquired and as may be necessary to carry out the purpose of the Plan.

2. ~~Eminent Domain~~

~~Community Redevelopment Agencies have been granted authority to utilize eminent domain by the "Community Redevelopment Act of 1969" as amended, Chapter 163, Part III, Florida Statutes. The act authorizes the use of eminent domain for support of redevelopment projects consistent with an adopted community redevelopment plan. Within the state, this power generally has been used to facilitate the assembly of properties for redevelopment projects initiated by the private sector.~~

~~Timely, effective use of this power can provide a clear indication of the Agency's willingness and ability to cooperate in downtown revitalization efforts, it also offers the opportunity to allow the private sector to implement publicly — directed policy.~~

~~The use of eminent domain for redevelopment purposes shall be exercised by the Agency upon approval of the City Commission and in accordance with Chapter 163, Part III, Florida Statutes.~~

~~In addition to any other power or purpose allowed by law, the power of eminent domain may be used in the following manner:~~

- ~~(a) — The Agency may acquire for resale, lease, joint use, etc., to the private sector one or more properties to encourage residential and nonresidential redevelopment activities within the downtown.~~
- ~~(b) — The Agency may offer properties for redevelopment, subject to appropriate conditions, guidelines and standards to determine the nature and intensity of future use.~~
- ~~(c) — The Agency may utilize eminent domain power to acquire parcels which prevent the assembly of sufficient Property to allow residential and non-residential development.~~
- ~~(d) — The use of eminent domain power by the Agency to assist redevelopment activities may be contingent upon proper submission and approval by the Agency of a master site plan by a proposed developer, by Posting of Sufficient security bonds or similar guarantees to defray all expenses incurred, and reasonable proof of financial technical and managerial resources and ability to implement and approved master project plan.~~
- ~~(e) — The Agency may utilize eminent domain power to acquire, consistent with adopted capital improvement policies or programs, one or more sites to permit construction of parking facilities to be constructed with public or private funds, or through a combination of such funding sources,~~

- ~~(f) The Agency may utilize eminent domain power to acquire lesser property rights, such as air rights, easements, etc., that can be used to allow above ground construction.~~
- ~~(g) The Agency may utilize eminent domain power to acquire the development rights of properties to promote redevelopment of the City Center Redevelopment Area.~~
- ~~(h) Within the context of the proposed City Center Community Redevelopment Plan, the power of eminent domain may be used to obtain necessary rights-of-way for transportation/circulation improvements acquire necessary easements for utilities construction or expansion, develop affordable housing, purchase one or more properties for an urban park or plaza and neighborhood mini-parks to acquire land to assist with the development of a convention center, judicial complex and other redevelopment projects.~~