MURDOCK VILLAGE
COMMUNITY REDEVELOPMENT PLAN

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TABLE OF CONTENTS

ARTICLE I
PREFACE

SECTION 1.01. DEFINITIONS 2
SECTION 1.02. CONSTRUCTION 6
SECTION 1.03. INCORPORATION 6
SECTION 1.04. SECTION HEADINGS 6

ARTICLE II
INITIATING REDEVELOPMENT

SECTION 2.01. BACKGROUND 7
SECTION 2.02. FINDING OF NECESSITY OVERVIEW 17
SECTION 2.03. GENERAL DESCRIPTION OF REDEVELOPMENT AREA 18
SECTION 2.04. BOUNDARY JUSTIFICATION 20
SECTION 2.05. LEGAL DESCRIPTION 22
SECTION 2.06. REDEVELOPMENT POWERS 22

ARTICLE III
COMMUNITY REDEVELOPMENT PLAN ADOPTION

SECTION 3.01. PREPARATION OF COMMUNITY REDEVELOPMENT PLAN 24
SECTION 3.02. USING PRIVATE ENTERPRISE AS A REDEVELOPMENT TOOL 24
SECTION 3.03. PROCEDURE FOR CONSIDERING AND ADOPTING THE PLAN 25

ARTICLE IV
MURDOCK VILLAGE REDEVELOPMENT VISION,
OBJECTIVES AND STRATEGIES

SECTION 4.01. APPROACH 27
SECTION 4.02. VISION FOR MURDOCK VILLAGE
COMMUNITY REDEVELOPMENT AREA 28
SECTION 4.03. REDEVELOPMENT OBJECTIVES 31
SECTION 4.04. STRATEGIES FOR PRIMARY OBJECTIVES 35
SECTION 4.05. STRATEGIES FOR COMMUNITY OBJECTIVES 54

ARTICLE V
STATUTORY COMPLIANCE

SECTION 5.01. STATUTORY REQUIREMENTS 60
SECTION 5.02. APPROXIMATE AMOUNT OF PARKS AND OPEN SPACE 61
SECTION 5.03. STREET LAYOUT 61
SECTION 5.04. LIMITATIONS ON THE TYPE, SIZE, HEIGHT, NUMBER AND PROPOSED USE OF BUILDINGS 62
SECTION 5.05. NUMBER OF DWELLING UNITS; VESTED RIGHTS; CONCURRENCY 68
SECTION 5.06. INTENDED USE OF PROPERTY FOR PUBLIC PARKS, RECREATION AREAS, STREETS, PUBLIC UTILITIES, AND PUBLIC IMPROVEMENTS 71
SECTION 5.07. NEIGHBORHOOD IMPACT ELEMENT 72
SECTION 5.08. REPLACEMENT HOUSING; RELOCATION 74
SECTION 5.09. DETERMINATIONS CONCERNING RESIDENTIAL AND NON-RESIDENTIAL USES; RATIFICATION 78
SECTION 5.10. DURATION 82

ARTICLE VI
FINANCIAL ANALYSIS AND PLANNING

SECTION 6.01. ESTIMATING TAX INCREMENT REVENUE 83
SECTION 6.02. METHODOLOGY AND APPROACH 84
SECTION 6.03 TAX INCREMENT ANALYSIS 87

ARTICLE VII
CAPITAL PLANNING

SECTION 7.01. DEVELOPMENT PLAN 89
SECTION 7.02. CAPITAL PROJECTS 92
SECTION 7.03. PROJECTED COSTS 94

ARTICLE VIII
GENERAL

SECTION 8.01. COMMUNITY REDEVELOPMENT TRUST FUND 99
SECTION 8.02. SAFEGUARDS, CONTROLS, RESTRICTIONS OR COVENANTS 100
SECTION 8.03. CONSISTENCY WITH COUNTY COMPREHENSIVE PLAN 102
SECTION 8.04. CONCLUSION 111

APPENDICES

APPENDIX A	RESOLUTION 2003-081
APPENDIX B	RESOLUTION 2003-082
APPENDIX C	INTERLOCAL AGREEMENT BETWEEN COUNTY AND CRA
APPENDIX D	FINDING OF NECESSITY REPORT
APPENDIX F	BINDING LETTER OF INTERPRETATION OF VESTED RIGHTS
APPENDIX G	RESOLUTION FINDING COMMUNITY REDEVELOPMENT PLAN IN CONFORMITY WITH COMPREHENSIVE PLAN
APPENDIX H	COMMUNITY REDEVELOPMENT AREA CAPITAL WORK PLAN
APPENDIX I	MAP OF COMMUNITY REDEVELOPMENT AREA
APPENDIX J	CONCEPTUAL DIAGRAM OF COMMUNITY REDEVELOPMENT AREA
APPENDIX K	FINANCIAL ASSUMPTIONS AND RESULTS
APPENDIX L	CHARACTER SKETCHES OF THE COMMUNITY REDEVELOPMENT AREA

MURDOCK VILLAGE
COMMUNITY REDEVELOPMENT PLAN

THIS MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN has been prepared at the direction of the Board of County Commissioners, Charlotte County, Florida, and as ex-officio the Murdock Village Community Redevelopment Agency, pursuant to Resolution No. 2003-81, adopted May 27, 2003.

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ARTICLE I

PREFACE

SECTION 1.01. DEFINITIONS. As used in this Murdock Village Community Redevelopment Plan, the following terms shall have the meanings as defined herein unless the context requires otherwise:

"**Binding Letter of Interpretation of Vested Rights**" means the correspondence addressed to the County from the Department of Community Affairs, and any written modification thereto, determining that certain intensities of residential and commercial uses within the Community Redevelopment Area are vested for development of regional impact review. A copy of the Binding Letter of Interpretation of Vested Rights for Murdock Village from the Department of Community Affairs is attached as Appendix **[F]**. Subsequently, County applied for and received a modification to the Binding Letter, in January 2008, allowing for the use an Equivalency Matrix which has been incorporated in the Charlotte County Comprehensive Plan.

"**Board"** means the Board of County Commissioners of Charlotte County, Florida.

"**CDD**" or "**community development district**" means a special purpose unit of local government established pursuant to the Community Development District Act, Chapter 190, Florida Statutes.

"**Charlotte County Future Land Use Map**" or "**FLUM**" means the most recently adopted map graphically demonstrating future land uses located in the Comprehensive Plan.

"**Community Redevelopment Act**" means Part III of Chapter 163, Florida Statutes.

"**Community Redevelopment Agency**" or "**CRA**" means the Murdock Village Community Redevelopment Agency, a public body corporate and politic under the laws of the State of Florida established pursuant to the Community Redevelopment Act.

"Community Redevelopment Area" means the Murdock Village Community Redevelopment Area located entirely within a portion of unincorporated Charlotte County, Florida, lying in Sections 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East in Charlotte County, Florida and being more particularly identified and described in County Resolution No. 2003-081. The Community Redevelopment Area is generally contained within the boundaries created by El Jobean Road (SR 776) on the South; Stratford Drive on the West; Tamiami Trail (US 41) on the North; and Collingswood Boulevard on the East. A legal description of the Community Redevelopment Area is included in County Resolution No. 2003-81 attached hereto as Appendix **[A]**.

"Community Redevelopment Plan" means this Murdock Village Community Redevelopment Plan, including any amendments, revisions or supplements hereto.

"**Community Redevelopment Trust Fund**" means the trust fund established by County Ordinance 2005-020 pursuant to the Community Redevelopment Act for the deposit of the tax increment revenue attributable to the Community Redevelopment Area.

"**Comprehensive Plan**" means the 1997-2010 Charlotte County Comprehensive Plan, as amended or replaced.

"County" means Charlotte County, Florida or its governing body, the Board of County Commissioners, as the context requires.

"**Development Plan**" means the conceptual plan embodied in this Community Redevelopment Plan, more particularly discussed in Section 7.01 and is graphically depicted in the conceptual diagram attached hereto as Appendix **[J],** which describes the community redevelopment, urban design intent and components of parks and open space, street layout and the location of residential and non-residential land uses within the Community Redevelopment Area. The Development Plan will guide development within the requirements of the Comprehensive Plan, this Community Redevelopment Plan, applicable resolutions, ordinances, statutes and similar regulations.

"Finding of Necessity Report" means the report prepared by Real Estate Research Consultants, Inc., dated May, 2003, which documented blight conditions within the Community Redevelopment Area and was used, in part, as a basis for the adoption of Resolution No. 2003-081, Resolution No. 2003-082, and the interlocal

1 agreement between the County and CRA, dated May 27, 2003. A copy of the Finding of
2 Necessity Report is attached hereto as Appendix **[D]**.
3 "**Redevelopment Agreement**" means a written agreement, which shall provide
4 for, among other things, the disposition of lands within the Community Redevelopment
5 Area, the conditions precedent to any such disposition, and the restrictions upon, and
6 the covenants, conditions, and obligations to be assumed by any purchaser or
7 developer, the County, and the CRA.
8
9

SECTION 1.02. CONSTRUCTION.

(A) Words importing the singular number shall include the plural in each case and vice versa, and words importing persons shall include firms and corporations. Words that reference only one gender shall include all genders.

(B) This Community Redevelopment Plan shall be liberally construed whenever possible to have fully complied with and fulfilled all requirements, determinations, conditions, elements and other matters provided for in the Community Redevelopment Act.

SECTION 1.03. INCORPORATION. The appendices hereto and each of the documents referred to therein are incorporated and made a part hereof in their entirety by reference.

SECTION 1.04. SECTION HEADINGS. Any headings preceding the texts of the several Articles, Sections, Appendices, or Exhibits in this Community Redevelopment Plan and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference.

ARTICLE II

INITIATING REDEVELOPMENT

SECTION 2.01. BACKGROUND.

(A) The Community Redevelopment Act was created to assist local governments in eliminating and preventing slum and/or blighted areas that are detrimental to the health, safety and moral welfare of state residents.

(B) In 2002, the County asked for advice from the Urban Land Institute, a research and educational organization that assists communities with preliminary advice on difficult land use issues. The Urban Land Institute advice was generally to "un-plat" a substantial portion of what is now the Community Redevelopment Area and reassemble such area into larger parcels in order to make it more appropriate for (re)development.

(C) The task of documenting and then implementing a redevelopment initiative for the Community Redevelopment Area is complex and numerous variables inevitably must be addressed. From the outset, the County's policy has been to structure an approach which focuses upon addressing blighted conditions and fostering redevelopment while encouraging maximum opportunities to use the expertise and abilities of private enterprise in conformance with the policy urgings of the Florida Legislature articulated in the Community Redevelopment Act.

(D) After considering suggestions from the Urban Land Institute, the County commissioned WilsonMiller, a regional engineering and planning firm, to work with County staff in preparing a concept plan for redeveloping the entire area. The concept plan articulated an initial redevelopment vision. The WilsonMiller concept plan was delivered to the County in early 2003 and provided an initial vision for redevelopment in the West Murdock area of the County which was subsequently designated as the Community Redevelopment Area in Resolution 2003-081.

(E) Beginning in 2003, the County began to act on the recognition that community redevelopment presented an innovative and effective growth management opportunity and worked to create and implement a redevelopment initiative which commenced by further investigating and addressing blighted area conditions in the Community Redevelopment Area.

(F) On May 13, 2003, the Board authorized, ratified, and confirmed the investigation of the need for redevelopment in the unincorporated West Murdock area of the County in Resolution 2003-073.

(G) On May 27, 2003, the Board adopted findings of necessity required by the Community Redevelopment Act at Section 163.355, Florida Statutes, determining that the Community Redevelopment Area was a blighted area within the meaning of the Community Redevelopment Act and designated the Community Redevelopment Area as appropriate for community redevelopment in Resolution 2003-081.

(H) On May 27, 2003, the Board adopted Resolution No. 2003-081 which created the Community Redevelopment Agency and declared that the Board shall also sit ex-officio as the CRA. Notwithstanding that the members of the Board of County Commissioners serve as the governing body of the CRA, the CRA is a separate public body corporate and politic under Florida law. The CRA was established to carry out redevelopment activities for the Community Redevelopment Area.

(I) The County is the only taxing authority subject to the provisions of Section 163.387(2), Florida Statutes. Pursuant to the Community Redevelopment Act, and specifically the last paragraph of Section 163.340(8), Florida Statutes, the Board and the CRA also adopted Resolution No. 2003-082 to specifically document by separate resolution that the Board and the CRA determined and agreed that the Community Redevelopment Area was a blighted area.

(J) Pursuant to the Community Redevelopment Act, and specifically the last paragraph of Section 163.340(8), Florida Statutes, the County, as the only taxing authority affected by the creation of the CRA, has entered into an interlocal agreement with the CRA, dated May 27, 2003, to specifically document by interlocal agreement that the Board and CRA determined and agreed that the Community Redevelopment Area was a blighted area.

(K) Resolution No. 2003-081, Resolution No. 2003-082 and the interlocal agreement between the County and the CRA were adopted after a public hearing and

timely notice as authorized and directed by the Board in its Resolution No. 2003-073 in compliance with all provisions of Section 163.346, Florida Statutes. Resolution No. 2003-073 provided that proof of such notice may be made by affidavit, in the form of an exhibit attached thereto.

(L) In making its legislative determinations in Resolution No. 2003-081, Resolution No. 2003-082 and the foregoing interlocal agreement between the County and CRA, the Board relied upon government maintained statistics, studies, expert reports, witness testimony, and personal knowledge of the Community Redevelopment Area by members of the Board, all of which constituted the record before the Board on May 27, 2003, in finding that the following factors identified in Section 163.340(8), Florida Statutes, existed within the Community Redevelopment Area:

(1) A substantial number of structures, which include, but are not limited to, site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Community Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(4) Unsanitary or unsafe conditions;

(5) Deterioration of site or other improvements; and

(6) Inadequate and outdated building density patterns.

(M) In seeking to encourage substantial participation and commitment from the private sector, the County has sought capable and qualified participation from potential redevelopment partners and embarked upon acquisition of all, or substantially all, of the lands within the Community Redevelopment Area.

(N) The County's objective is to ultimately limit its direct economic participation to leveraging only tax increment or other revenues derived from the Community Redevelopment Area. In order to attract qualified redevelopment partners and to successfully accomplish the vision initially articulated in the Urban Land Institute report and the concept plan prepared by WilsonMiller, the Board adopted Resolution No. 2003-048 on March 11, 2003, which directed and authorized that land acquisitions occur first on a voluntary (and somewhat random) basis within the Community Redevelopment Area through negotiated purchases, and subsequently adopted Resolution No. 2003-128 which determined and directed the use of the power

of eminent domain in order to consolidate all, or substantially all, of the land mass within the Community Redevelopment Area.

(O) The County has used short-term bank notes and also has sufficient short-term (less than five years) borrowing capacity to provide funding of at least $110 million dollars for land acquisition and related costs.

(P) Authority is confirmed upon the County and the CRA, under and by virtue of the Constitution and the laws of the State of Florida, particularly Chapter 125, Sections 163.335(3), 163.370(3) and 163.375, Florida Statutes, and other applicable provisions of law to acquire lands within the Community Redevelopment Area prior to approval of this Community Redevelopment Plan and to demolish and remove any structures on any land so acquired and to pay all costs related to the acquisition, demolition or removal. Additionally, such powers include the assumption of the responsibility to bear any loss that may arise as a result of the exercise of authority under the Community Redevelopment Act. Prior to any sale, lease, disposition or other transfer of lands acquired by the County and CRA for community redevelopment purposes, the County and CRA are required by the Community Redevelopment Act to adopt a Community Redevelopment Plan. On February 22, 2005, the County adopted Resolution 2005-042 which adopted the Murdock Village Community Redevelopment Plan and established an effective date. On September 27, 2005 the County adopted

Resolution 2005-188, approving the first amendment to the Community Redevelopment Plan.

(Q) On March 25, 2005 the County adopted Ordinance 2005-020 establishing a Redevelopment Trust Fund for the CRA.

(R) In order to secure the involvement and participation of capable and qualified redevelopment partners, the County has invited proposals from and made significant information available to potential redevelopment partners in advance of adoption of this Community Redevelopment Plan, and will continue to make such information available prior to any disposition of lands for community redevelopment purposes pursuant to the Community Redevelopment Act.

(S) This Community Redevelopment Plan, including the conceptual diagram shown in Appendix **[J]** and the character sketches shown in Appendix **[L]**, is anticipated to be incorporated in a Redevelopment Agreement to guide development of the Community Redevelopment Area within the requirements of the Comprehensive Plan, this Community Redevelopment Plan, applicable resolutions, ordinances, statutes, and other similar regulations.

(T) The County and the CRA anticipate developing a comprehensive Redevelopment Agreement which shall provide for, among other things, the conditions precedent to the disposition of lands within the Community Redevelopment Area, the restrictions upon, and covenants, conditions and obligations to be assumed by any

purchaser, the County, and the CRA, and the disposition of lands within the Community Redevelopment Area.

(U) Concurrent with the preparation and adoption of this Community Redevelopment Plan, the County and the CRA with the assistance of their staff, consultants and advisors have further refined the redevelopment strategy and Development Plan in a manner that takes into consideration the County's and CRA's vision, and the need to design communities to meet market requirements in Southwest Florida, all with due consideration for issues related to reallocation of entitlements within the Community Redevelopment Area, overall environmental, water management, and infrastructure matters, comprehensive planning and procedures for establishing a zoning district for a mixed-use community redevelopment project and permitting the associated development activities through the County's planned development process, preparation (on a conceptual basis) to secure financing and infrastructure delivery, as well as activities related to demonstrating progress relative to necessary permitting activities that may be beyond the County's sole discretion. All the foregoing activity has been conducted in anticipation of disposition of lands to a redevelopment partner with redevelopment implementation activity hereunder commencing during late 2005, or as soon as practicable. The Redevelopment Agreement anticipated by the County and the CRA will articulate, not only provisions and terms for the disposition of lands, but also may constrain the alienation of and

subject such lands to restrictions, covenants, conditions and obligations of the purchaser to redevelop the land in conformance with this Community Redevelopment Plan. Such conditions may include, but are not limited to, conditions in any instrument of conveyance that such purchaser shall be without the power to sell, lease, or otherwise transfer the lands within the Community Redevelopment Area without the prior written consent of the County or CRA, until the purchaser (or any lessee) has completed the construction of any or all improvements which the purchaser is obligated to construct thereon.

(V) As required by the Community Redevelopment Act, prior to the execution of any Redevelopment Agreement, the County and CRA must first adopt a Community Redevelopment Plan and give public notice of the intended disposition of lands in the Community Redevelopment Area in a newspaper having general circulation in the community at least thirty (30) days prior to the proposed execution of such Redevelopment Agreement. Such notice is required by the Community Redevelopment Act and will invite proposals from and make all pertinent information available to, private redevelopers or any persons interested and qualified in undertaking to redevelop the Community Redevelopment Area. The County and CRA will consider any and all redevelopment proposals for consistency with this Community Redevelopment Plan and the financial and legal ability of any persons making such proposals to carry them out. Pursuant to the Community Redevelopment Act, the

County and CRA may accept any proposal deemed to be in the public interest and are not bound by any requirement to accept any proposal based solely upon an offered purchase price.

(W) In considering and accepting any proposal, the County and CRA will seek to recover from a responsible proposer as much of their costs advanced for acquisition of lands as deemed in the best interest of the community. As well, the County and CRA may accept a proposal which includes an obligation to petition for the establishment of a community development district which will serve as a means to fund, finance and deliver infrastructure required to redevelop the Community Redevelopment Area as contemplated by this Community Redevelopment Plan. Accordingly, a portion of infrastructure to be delivered under any community development district regime may be financed through an interlocal agreement between the County, the CRA, the community development district and the County's redevelopment partner. Such interlocal agreement may be an exhibit to and executed as a result of obligations articulated in a Redevelopment Agreement.

(X) A critical events schedule or timeline shall be prepared annually by the County and the CRA, which provides and updates for land acquisition, planning and redevelopment partner related initiatives as this Community Redevelopment Plan is implemented.

SECTION 2.02. FINDING OF NECESSITY OVERVIEW.

(A) Fundamental to the redevelopment initiative embodied by this Community Redevelopment Plan is the finding of necessity required by the Community Redevelopment Act at Section 163.355, Florida Statutes. This legislative finding was made by the Board after the public hearing on May 27, 2003. In making such statutorily required finding, the Board relied upon government maintained statistics, studies, expert reports, witness testimony, and personal knowledge of the Community Redevelopment Area by members of the Board including, but not limited to, documentation on the extent of the blighted area conditions referred to herein as the "Finding of Necessity Report", attached hereto as Appendix **[D]**.

(B) The Finding of Necessity Report documents certain physical, economic and regulatory conditions within the Community Redevelopment Area. A substantial amount of data concerning the Community Redevelopment Area was assembled, considered, inspected, and analyzed and detailed assessments were prepared for incorporation into the Finding of Necessity Report.

(C) The Finding of Necessity Report further substantiated and concluded that there are conditions within the Community Redevelopment Area that substantially impair sound growth and have lead to symptomatic economic distress in the Community Redevelopment Area.

(D) The Board and the CRA hereby reconfirm, by approval of this Community Redevelopment Plan, the findings and determinations in Resolution No. 2003-081, Resolution No. 2003-082 and the interlocal agreement between the County and the CRA, dated May 27, 2003, and (1) a blighted area, as such term is defined in the Community Redevelopment Act at Section 163.340(8), Florida Statutes, exists within the Community Redevelopment Area; and, (2) the rehabilitation, conservation, or redevelopment, or a combination thereof, of the Community Redevelopment Area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the County.

SECTION 2.03. GENERAL DESCRIPTION OF REDEVELOPMENT AREA.

(A) The Community Redevelopment Area is comprised of approximately 1,199.8 acres, including canals and road right-of-way, and is located entirely within the jurisdiction and control of unincorporated Charlotte County and lies within Sections 2, 10, 11, 12 and 14, Range 40 South, Township 21 East.

(B) The Community Redevelopment Area is generally contained within the boundaries created by El Jobean Road (SR 776) on the south; Stratford Drive on the west; Tamiami Trail (US 41) on the north; and Collingswood Boulevard on the east. The main roads that service the Community Redevelopment Area are Toledo Blade Boulevard, Flamingo Boulevard, and O'Donnell Boulevard, which are all north-south roads. The physical configuration of the larger neighborhood suggests three smaller

areas or enclaves that are both adjacent but physically separated at the same time. Together, these three sub-areas are characterized by small plats, diverse ownership, largely deteriorated or non-existent infrastructure. Since the plats were recorded several decades ago, and fail to meet modern day development standards, properties in the Community Redevelopment Area have remained almost undeveloped. These sub-areas are not physically connected, though adjacent to each other, and rely upon Tamiami Trail (US 41) and El Jobean Road (SR 776) for both regional access and intra-neighborhood access.

(C) Prior to the creation of the CRA, zoning for the lands now included within the Community Redevelopment Area allowed only a limited discrete category of land uses that included commercial, office, medical or institutional, single family residential, and multi-family residential. The multi-family residential classification allowed for densities as high as 10 dwelling units per acre, while single-family classification called for 3.5 dwelling units per acre. The Charlotte County Future Land Use Map then contained in the Comprehensive Plan described portions of the Community Redevelopment Area now zoned as high density residential as medium density residential. Without regard to current or expected land use, the area is uniformly platted into building lots typically measuring 80′ X 125′, with a substantial portion of the Community Redevelopment Area remaining platted, but unimproved with vertical improvements (buildings or houses) at this time.

(D) On April 14, 2004, Charlotte County received the Binding Letter of Interpretation of Vested Rights for the Community Redevelopment Area from the Department of Community Affairs stating at least the following uses could be developed on the property: (1) 2,744 single-family residential units; (2) 538 multi-family residential units; and (3) 2,657,665 square feet of commercial space. The County requested a modification to the Binding Letter of Interpretation of Vested Rights which corrected and resulted in a determination that an additional 366,217 commercial square feet are vested from development of regional impact review.

(E) On September 21, 2004 the County transmitted the text amendments to the Future Land Use Element of the Comprehensive Plan to the Department of Community Affairs addressing the establishment of a mixed-use redevelopment district for the Community Redevelopment Area. The amendment was approved by the Department of Community Affairs and the County adopted the amendment in January 2005. A revision to the district was adopted in January 2008.

SECTION 2.04. BOUNDARY JUSTIFICATION.

(A) The Community Redevelopment Area was selected for redevelopment for a number of reasons. While the area contained approximately 3,000 platted or subdivided lots on 1,199.8 acres, only seventy-seven (77) homes have been constructed since platting occurred over three decades ago. The Community Redevelopment Area is logically set apart from other areas by El Jobean Road (SR 776) on the south, Statford

Drive and the adjacent canal on the west, Tamiami Trail (US 41) on the north, and Collingswood Boulevard and the adjacent canal on the east.

(B) Development had stagnated in the area and there had been relatively little new construction in the area prior to 2003. . A substantial number of the vacant lots and right-of-ways within the Community Redevelopment Area are being used as locations to illegally dump trash. Dumping is more than criminal mischief; such illegal activity creates not only visual blight but it suggest health and safety risks for children or others exposed to the discarded items and vermin that the dump site may breed. The road grid has deteriorated to a level that no longer justifies simple repairs but rather requires complete reconstruction to meet contemporary standards for roads. The lack of sidewalks is not only a safety issue but further evidence of inadequate transportation facilities. Localized flooding exists and is in need of correction. The existing neighborhoods within the Community Redevelopment Area, although confined by man-made boundaries which surround the Community Redevelopment Area, although confined by the man-made boundaries which surround the Community Redevelopment Area, are not connected causing internal traffic to be forced onto the perimeter arterials instead of following contemporary planning approaches that recognize the need to capture internal trips as a means of achieving neighborhood safety.

(C) Existing conditions of inadequate and outdated building patterns and the substantial number of deteriorated structures are materially injurious to both the Community Redevelopment Area and the community's overall sustainability. The foregoing conditions of decay described in this Section and this Community Redevelopment Plan have made impracticable the reclamation of the area by rehabilitation; further justifying the acquisition, clearance, and disposition of lands within the Community Redevelopment Area and pursuant to the Community Redevelopment Act.

(D) The map of the Community Redevelopment Area, attached hereto as Appendix **[I]**, graphically depicts boundaries and lands contained within the Community Redevelopment Area.

SECTION 2.05. LEGAL DESCRIPTION.

(A) The Community Redevelopment Act at Section 163.362, Florida Statutes, requires that this Community Redevelopment Plan contain a legal description of the Community Redevelopment Area. The legal description of the Community Redevelopment Area is included in Resolution No**.** 2003-081 and is attached hereto as Appendix **[A]** and shown graphically in the map in Appendix **[I]**.

SECTION 2.06. REDEVELOPMENT POWERS.

County Resolution No. 2003-081 created and established the CRA, pursuant to the Community Redevelopment Act. The CRA is constituted as a separate and distinct

1 public instrumentality, and the exercise by the CRA of the powers conferred by the
2 Community Redevelopment Act shall be deemed and held to be the performance of an
3 essential public function. The CRA is authorized to exercise all of the powers conferred
4 by the Community Redevleopment Act which are necessary and convenient to carry
5 out and effectuate the purposes of community redevelopment and related activities
6 within the Community Redevelopment Area.

ARTICLE III

COMMUNITY REDEVELOPMENT PLAN ADOPTION

SECTION 3.01. PREPARATION OF COMMUNITY REDEVELOPMENT PLAN. The Community Redevelopment Act at Section 163.360(4), Florida Statutes, provides that the County or CRA may itself prepare or cause to be prepared a community redevelopment plan. This Community Redevelopment Plan has been prepared at the direction of the Board and CRA consistent with Resolution No. 2003-081, and represents a collaborative effort between and among, County staff, consultants and advisors.

SECTION 3.02. USING PRIVATE ENTERPRISE AS A RE-DEVELOPMENT TOOL.

(A) The Florida Legislature has encouraged the County and CRA, to the greatest extent determined to be feasible in carrying out the Community Redevelopment Act, to afford maximum opportunity, consistent with the sound needs of the County as a whole, to include and use private enterprise in the redevelopment of the Community Redevelopment Area. This Community Redevelopment Plan implements the policy direction of the County and CRA to use the skill and expertise of a capable and cooperative redevelopment partner to implement the redevelopment initiative contemplated by this Community Redevelopment Plan.

(B) In order to secure the involvement and participation of capable and qualified redevelopment partners, the County has invited proposals from and made significant information available to potential redevelopment partners in advance of adoption of this Community Redevelopment Plan.

SECTION 3.03. PROCEDURE FOR CONSIDERING AND ADOPTING THE PLAN.

(A) The Community Redevelopment Act at Section 163.360, Florida Statutes, outlines the procedure for considering, adopting and modifying this Community Redevelopment Plan.

(B) The Community Redevelopment Plan once developed must be forwarded to the local planning agency of the County for review and recommendation as to its conformity within the Comprehensive Plan. Upon reviewing the Community Redevelopment Plan, the local planning agency is expected to submit written recommendations to the County and the CRA with respect to the conformity of the proposed Community Redevelopment Plan with the Comprehensive Plan.

(C) Prior to adoption, this Community Redevelopment Plan was submitted to the local planning agency (Charlotte County Planning and Zoning Board) for review and recommendations as to its conformity with the Comprehensive Plan for the development of the County as a whole. A copy of the resolution of the local planning

agency finding the Community Redevelopment Plan to be in conformity with the Comprehensive Plan is attached hereto as Appendix **[G]**.

(D) Upon receipt of comment from the local planning agency, the CRA is required to submit the Community Redevelopment Plan recommended for approval, together with any written recommendations, to the governing body of each taxing authority that levies ad valorem taxes on real estate contained within the Community Redevelopment Area. The County is distinguished from all other local taxing authorities as the only taxing authority subject to the provisions of Section 163.387(2), Florida Statutes. In other words, the County is the only taxing authority subject to paying over future tax increment funds, derived solely from the Community Redevelopment Area, for redevelopment purposes.

(E) Despite the fact that the County is the only affected taxing authority, the Community Redevelopment Act requires that notice of adoption of this Community Redevelopment Plan be provided to each of the governing bodies having the ability to impose taxes within the Community Redevelopment Area. After the CRA has provided notice to each of the governing bodies having the ability to impose taxes within the Community Redevelopment Area and published the notice as prescribed by statute, the County may only then consider and approve this Community Redevelopment Plan at a public hearing.

ARTICLE IV
MURDOCK VILLAGE
REDEVELOPMENT VISION, OBJECTIVES, AND STRATEGIES

SECTION 4.01. APPROACH.

(A) This Article presents the vision for the Community Redevelopment Area and in addition identifies potential objectives, strategies, and lays a foundation for the programs and projects to be considered by the County, the CRA and private enterprise in implementing this vision.

(B) Costs or budgets provided in this Community Redevelopment Plan are estimated, and are expected to be refined as additional research, plans, and documents are prepared to implement the particular objectives, strategies, and resulting programs and projects. The costs provided for budgeting purposes establish the framework for financial planning analysis.

(C) Costs or budgets should not be construed as exclusively the burden of the public sector. They are intended as recommended total costs with potential allocations to the public and private sectors assigned on the basis of the encouragement of private enterprise as a tool to carry out a significant portion of this Community Redevelopment Plan and apparent benefit, value, revenues or other relevant factors.

SECTION 4.02. VISION FOR MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AREA.

(A) The County's and the CRA's vision for the Community Redevelopment Area focuses on creating a mixed-use, high-tech, energy efficient and environmentally friendly community which embodies several fundamental concepts. These fundamental concepts include development of a vibrant and attractive gathering place for the entire community in the form of a Town Center, "five minute walk" access to parks, facilities and services, a pedestrian friendly street and access network, and interior greenway and blueway open space linkages that integrate the Community Redevelopment Area with existing County and community resources.

(B) The County's and CRA's vision encompasses both residential and non-residential redevelopment and revitalization. The Community Redevelopment Area will contain single- and multi-family homes, condominiums and apartments in varying price ranges. Overall quality of life is expected to increase dramatically in the Community Redevelopment Area not only through redevelopment of new housing and delivery of utility infrastructure, but by new and coordinated transportation improvements as well. The transportation component of the vision focuses both on vehicular and pedestrian traffic. A combination of bikeways, walking paths, and waterways can significantly reduce vehicular traffic. The greatest positive impact on transportation will be the acquisition and clearance of lands and change in land use

from a primarily single family residential development with some strip commercial opportunities and inadequate or decaying infrastructure to mixed-use (residential, civic, commercial, office, and retail). A substantial portion of the trips for residents and employees of the area are expected to be satisfied within the Community Redevelopment Area itself. Rather than having to use a vehicle for shopping, work, recreation, or visits to friends, walking and bicycling will become a viable option. The village concept embodied in this Community Redevelopment Plan also offers the potential for shuttles and various forms of transit service which further reduce the vehicular demand on the roadway network. The close proximity of the property to major arterials, (Tamiami Trail (US 41) and El Jobean Road (SR 776)) will enable the creation of a new network of connecting roads, with gateways into the new mixed-use redevelopment community.

(C) The Community Redevelopment Area is expected to contain several distinct neighborhoods and a "downtown" commercial area designated within the Town Center. The "downtown" component of the Town Center is envisioned to consist of a mix of larger and smaller stores, such as markets, grocery stores and pharmacies, which will anchor specialty stores, restaurants, art galleries, hotels, offices and government facilities, along pedestrian promenades.

(D) The Town Center is expected to include both regional and general commercial uses, as well as the opportunity to establish employment centers and

recreational facilities as permitted in the Comprehensive Plan and Land Development Codes. Public spaces are envisioned to be integrated into the Town Center providing opportunities for community gatherings and special events. Redevelopment will allow residential and non residential uses and parcels to be equipped with the most modern communication technology available.

(E) In addition to the residential, retail, entertainment, institutional and commercial employment opportunities, it is envisioned there will be greenways for hiking or walking, bike paths, parks, and designated civic areas for special events. General public access should be considered for each of these areas.

(F) The intent of this Community Redevelopment Plan is to serve as a framework for guiding development and redevelopment of the Community Redevelopment Area. This Community Redevelopment Plan identifies redevelopment objectives, and lays the foundation for programs and capital projects to be undertaken which will reverse and remove the blighting trends within the Community Redevelopment Area. This Community Redevelopment Plan also addresses financing and implementation strategies as well as management and administrative opportunities. These programs, projects, funding and financing strategies, and management and administration opportunities will continue to be refined as they are implemented. It is clearly intended that special assessments and other revenues must be used in conjunction with available tax increment to achieve stated goals. While

based on the most accurate data available, the various strategies and costs identified in this Community Redevelopment Plan will require additional study as specific programs and projects are initiated, refined and implemented.

(G) The focus of this Community Redevelopment Plan is upon mitigation or correction of the various blight conditions documented in the Finding of Necessity Report and determined to exist by the Board in its legislative capacity. Changing social, physical and economic conditions could warrant the modification of this Community Redevelopment Plan.

(H) The sections and articles herein describe the Community Redevelopment Area, suggest a vision, identify primary and community objectives for redevelopment, provide strategies to mitigate or correct the blighted area factors identified by the County and CRA and conclude with a demonstration of how this Community Redevelopment Plan conforms to the Comprehensive Plan.

SECTION 4.03. REDEVELOPMENT OBJECTIVES.

(A) In partnership with private enterprise and other governmental entities, the redevelopment initiative embodied in this Community Redevelopment Plan will reverse and remove the observed blighting conditions within the Community Redevelopment Area by leveraging public assets to improve the overall economic condition and the physical condition of the Community Redevelopment Area. Creating a mixed-use community within the boundaries of the Community Redevelopment Area

will not only greatly enhance the quality of life within the Community Redevelopment Area, but is anticipated to reduce congestion and effectively manage densities allowed under current zoning.

(B) Strategic initiatives are to be identified and placed into action to address, reverse and remove the blighted area conditions that have substantially impaired the growth and development of the Community Redevelopment Area and would most certainly forestall the achievement of the County's and CRA's redevelopment objectives. Ultimately, the Community Redevelopment Area will to be substantially cleared, redeveloped, and revitalized as a community focal point to the benefit of County residents, businesses, property owners and visitors through implementation of this Community Redevelopment Plan and the creation of the resultant mixed-use community and Town Center.

(C) Objectives have been identified as either "primary" or "community." The primary objectives are deemed the most important in addressing, removing, or mitigating blighted area conditions within the Community Redevelopment Area identified by the County and CRA and also addressed in the Finding of Necessity Report. The community objectives are necessarily secondary to the principal focus of this Community Redevelopment Plan that is intended to pave the way for the redevelopment of the area as a mixed-use community. Nonetheless, the community

objectives are important and will be implemented as revenues permit. The objectives anticipate maximizing the use of private enterprise and are identified as follows.

(1) Primary Objectives:

(a) Primary Objective 1: Ensure that regulatory measures are in place to promote the redevelopment of the Community Redevelopment Area as a vibrant mixed-use community.

(b) Primary Objective 2: Facilitate and follow-through with a land acquisition and disposition program to stimulate real and substantial public/private interest and participation in the redevelopment of the Community Redevelopment Area as a vibrant mixed-use community.

(c) Primary Objective 3: Dispose of lands acquired by County and CRA in conformance with the Community Redevelopment Act.

(d) Primary Objective 4: Fund and finance both short-term and long-term land acquisition and redevelopment initiative related costs and expenses.

(e) Primary Objective 5: Establish one or more public/private partnerships to encourage and use expertise of private enterprise to implement the redevelopment vision.

(f) Primary Objective 6: Create a mixed-use community that implements the County's and CRA's vision for the Community Redevelopment Area.

(g) Primary Objective 7: Improve transportation facilities within the Community Redevelopment Area to facilitate capture of internal trips, enhance regional connection and improve emergency evacuation.

(h) Primary Objective 8: Identify and promote a workable means to fund, finance and deliver utility and infrastructure improvements needed to promote the mixed-use redevelopment of the Community Redevelopment Area.

(i) Primary Objective 9: Provide for parks, recreation facilities and public space improvements in a manner that enhances the Community Redevelopment Area as a vibrant mixed-use community.

(j) Primary Objective 10: Provide for adequate funding and financing mechanisms to enable the realization of the vision of the County and CRA for the Community Redevelopment Area.

(2) Community Objectives:

(a) Community Objective 1: Aesthetic and Planning Review: Implement an aesthetic and planning review program to guide redevelopment and maintenance activities within the Community Redevelopment Area.

(b) Community Objective 2: Maintaining a Safe and Clean Environment: Ensure that the Community Redevelopment Area is safe and clean over a period of time.

(c) Community Objective 3: Provide Additional Infrastructure and Services: The County, CRA, a community development district, or private developer may plan, design and deliver additional infrastructure improvements or services within or outside of the Community Redevelopment Area if deemed that those improvements enhance the quality or attractiveness of the Community Redevelopment Area especially with regard to public amenities within the Community Redevelopment Area.

SECTION 4.04. STRATEGIES FOR PRIMARY OBJECTIVES.

(A) Primary Objective 1: Ensure that regulatory measures are in place to promote the redevelopment of the Community Redevelopment Area as a vibrant mixed-use community.

(1) When the County embarked upon its redevelopment initiative, the Comprehensive Plan did not designate the Community Redevelopment Area as a mixed-use redevelopment area. The County, following approval by the state of Florida Department of Community Affairs, subsequently adopted a text amendment to Goal 2 (Future Land Use Patterns) and Goal 6 (Redevelopment) of the Comprehensive Plan. This amendment adds new objectives and policies to support the redevelopment of the Community Redevelopment Area as a vibrant mixed-use community.

(2) To implement the vision for the Community Redevelopment Area as a sustainable mixed-use village community, the County will adopt a specific mixed-

use Planned Development (PD) for the Community Redevelopment Area. The PD will be prepared and adopted to include design/development standards for the land use relationships identified in this Community Redevelopment Plan. Standards may include design and maintenance criteria for new and redeveloped properties, streets, pedestrian and bicycle facilities, signage and public areas. The standards will address the incorporation of human-scale aesthetics into street and building design. Building design and location shall reinforce a pedestrian-oriented character including linkages between land uses through a functional bicycle-pedestrian system.

(3) Redevelopment construction activities will be permitted through the County's planned development process.

(B) Primary Objective 2: Facilitate and follow-through with a land acquisition and disposition program to stimulate real and substantial public/private interest and participation in the redevelopment of the Community Redevelopment Area as a mixed-use community.

(1) The County shall underwrite and provide support for the Community Redevelopment Area to be redeveloped as a mixed-use community by implementing a land acquisition program with the intent to assemble all, or substantially all, of the property within the Community Redevelopment Area to facilitate the public/private redevelopment of the entire Community Redevelopment Area.

(2) The County's and CRA's acquisition strategy in the Community Redevelopment Area began in 2003 with random voluntary negotiated purchases followed by direction to use the power of eminent domain to consolidate land acquisitions in a series of acquisition phases beginning west of the Community Redevelopment Area heading east. In 2007, the land acquisition program was completed. Approximately 871 acres of property was acquired within the Community Redevelopment Area and deed to the CRA.

(3) The Community Redevelopment Act at Section 163.380(2) allows the County and CRA to take into account and give consideration to the long term benefits to be achieved by acquiring lands and facilitating the redevelopment of the Community Redevelopment Area, including the anticipated resultant short-term losses or costs in the disposal of any lands acquired. The County did underwrite the initial acquisition costs, administrative, legal and other costs in developing a redevelopment initiative which both achieves the County's and CRA's vision and maximizes the return from the sale of the property for community redevelopment purposes. The proceeds from the sale of the lands acquired within the Community Redevelopment Area are expected to offset a substantial portion, but not all, of the initial expenses incurred by the County.

(4) The acquisition of all or substantially all of the lands within the Community Redevelopment Area is required not only to effectively attract private enterprise in the form of a willing and capable redevelopment partner, but also to

address title problems resulting from the relative low value of the vacant platted lots involved and the diversity of ownership or large number of owners of record that are either deceased or located outside of Florida or the United States.

(5) Archaic deed restrictions common to the entire Community Redevelopment Area and the inability to secure revisions or changes due to diversity of ownership in the Community Redevelopment Area present an impediment to any redevelopment initiative that envisions a change in use for the entirely platted and subdivided Community Redevelopment Area. Restrictive covenants otherwise encumbering lands within the Community Redevelopment Area, and diminishing the value and attractiveness of lands subject to such restrictions in the hands of private enterprise, are not enforceable against governmental bodies that have acquired lands for public purposes. Pursuant to the Community Redevelopment Act at Section 163.335(3), Florida Statutes, all land acquisitions done for community redevelopment purposes are done for public purposes. Accordingly, the acquisition of all, or substantially all, of the lands within the Community Redevelopment Area by the County or the CRA provides a means to effectively address and make unenforceable archaic and problematic deed restrictions which would otherwise frustrate or make redevelopment not feasible.

(C) <u>Primary Objective 3:</u> Dispose of lands acquired by County and CRA in conformance with the Community Redevelopment Act.

(1) Prior to the approval of this Community Redevelopment Plan, the CRA is empowered by the Community Redevelopment Act to acquire lands within the Community Redevelopment Area, and to pay all costs related to acquisition or demolition related activities. The Community Redevelopment Act; however, provides that all lands acquired for community redevelopment purposes may only be disposed of after adoption of this Community Redevelopment Plan. Additionally, the Community Redevelopment Act provides that prior to disposition of any lands within the Community Redevelopment Area, the County and CRA shall first give thirty (30) days prior public notice and invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop the Community Redevelopment Area. The Community Redevelopment Act also provides that the County and CRA may accept any proposal it deems to be in the public interest.

(2) Pursuant to the Community Redevelopment Act at Section 163.380(2), Florida Statutes, the County and CRA will only sell, lease, or otherwise transfer lands acquired within the Community Redevelopment Area to purchasers willing to accept a deed which restrains the subsequent sale or alienation of lands, without the prior written consent of the County and the CRA. A Redevelopment Agreement may contain any improvements and incentives agreed to by the parties at the time of conveyance as anticipated by this Community Redevelopment Plan.

(3) The terms under which land within the Community Redevelopment Area will be disposed of to one or more redevelopment partners will be documented in a Redevelopment Agreement. The Redevelopment Agreement will be consistent with the vision of the County and CRA and this Community Redevelopment Plan. A proposed Redevelopment Agreement will also provide a significant benchmark which all proposers may use to respond during the thirty (30) days after published notice of the County's intent to enter into an agreement relating to the disposition of property following a duly noticed public hearing; all as provided by the Community Redevelopment Act at Section 163.380, Florida Statutes. In evaluating any proposals, the Community Redevelopment Act allows the County and CRA to take into account and give consideration to long-term benefits to be achieved by the County and CRA resulting from short-term losses or shortfalls resulting from the disposal of lands acquired for community redevelopment purposes pursuant to this Community Redevelopment Plan and any Redevelopment Agreement.

(4) It is the policy intent of this Community Redevelopment Plan to both achieve the County and CRA vision embodied herein while at the same time maximizing the return from the sale of lands acquired by the County and CRA for community redevelopment purposes. All lands acquired by the County and CRA for community redevelopment purposes are to be transferred as rapidly as feasible in the

public interest, consistent with carrying out the provisions of this Community Redevelopment Plan.

(D) Primary Objective 4: Fund and finance both short-term and long-term land acquisition and redevelopment initiative related costs and expenses.

(1) County finance officials, consultants and advisors have contemplated the method and means to fund and finance the assembly of lands within the Community Redevelopment Area and determined that the County has the capacity and ability to combine all outstanding loans related to land acquisitions in the Community Redevelopment Area with additional funds required to fund the acquisition of all, or substantially all, of the lands within the Community Redevelopment Area through the issuance of at least $110 million in short term debt obligations which would maintain the flexibility to call or redeem debt at any time in the future as proceeds become available from the disposition of lands. The County's financial advisors have determined that such short-term financing mechanisms will not put an adverse burden on the County's financial position. Such initial financing can be secured by a non-ad valorem revenue pledge by the County with a covenant to budget and appropriate. Such a financing structure would require the County to allocate other legally available funds in the form of non-ad valorem revenues which the County could otherwise use for alternative projects; however, the use of such short term financing

mechanisms will provide significant flexibility, until the disposition of lands, long term financing and delivery of capital improvements begins to occur.

(2) To the extent that the County and CRA are able to maximize their return from the sale of lands acquired within the Community Redevelopment Area, initial funding financed by the County will be correspondingly paid down. Upon establishment of a Community Redevelopment Trust Fund for the Community Redevelopment Area, the County and CRA anticipate allocating tax increment revenues derived from the Community Redevelopment Area and paid into the Community Redevelopment Trust Fund to secure taxable obligations to repay any "shortfall" between the purchase price paid by the County and CRA for lands subsequently sold to private enterprise and costs incurred by the County and CRA in acquiring such land and initiating redevelopment within the Community Redevelopment Area. This achieves the County's policy direction that the redevelopment initiative must strive to repay over time all land acquisition and redevelopment initiative related costs and expenses advanced by the County.

(E) Primary Objective 5: Establish one or more public/private partnerships to encourage and use expertise of private enterprise to implement the redevelopment vision.

(1) It is critical that partnerships with the private sector and other governmental entities be established to ensure that the Community Redevelopment

Area is redeveloped as a viable and thriving mixed-use community. Such partnerships should provide capital resources, skills and expertise to manage and execute the County's and CRA's redevelopment initiative.

(2) The County has solicited input from private enterprise to generate interest and attract willing and capable developers to implement the County and CRA vision for the Community Redevelopment Area. Prior to execution of a Redevelopment Agreement, the County shall at all times reserve the right to evaluate any developer proposal and determine which options best implement the County's and CRA's vision for the Community Redevelopment Area. The disposal by the County or CRA of real property acquired for community redevelopment, or any interest therein, will occur in a manner consistent with the Community Redevelopment Act, and particularly Section 163.380 Florida Statutes.

(3) The County anticipates entering into a Redevelopment Agreement with a selected developer. Terms of the Redevelopment Agreement should clearly articulate the role of the County and CRA, the role of the developer, identify the lands to be conveyed or subsequently acquired, the consideration to be paid, terms of closing, conditions precedent to closing, including but not limited to, due diligence matters, determination and allocation of entitlements, Comprehensive Plan and Community Redevelopment Plan conformity, concurrency matters, zoning issues, prior acquisition of lands by the County and CRA, vacation of plats and right-of-way, addressing deed

restrictions, site conditions, provisions for and control of the delivery of title research and clear title, an acceptable boundary survey and related closing procedures.

(4) The Redevelopment Agreement may address the process for establishing a community development district to fund, finance and deliver infrastructure to the Community Redevelopment Area in a manner consistent with this Community Redevelopment Plan and may include a proforma interlocal agreement between the County, CRA, a community development district and the purchaser under which the County and CRA commit a portion of revenues paid into a Community Redevelopment Trust Fund, or other lawfully available revenues derived from the Community Redevelopment Area, to support bonds or obligations issued by the community development district to finance the delivery of infrastructure to the Community Redevelopment Area. The Redevelopment Agreement will be only entered into after notice and a public hearing provided for in the Community Redevelopment Act.

(5) The County and CRA will assign or dedicate a focused staff member or other counsel or personnel to coordinate with private or public sector redevelopment participants and to audit performance and ensure that the integrity of the County's and CRA's vision of the Community Redevelopment Area is implemented and maintained.

(F) <u>Primary Objective 6:</u> Create a mixed-use community that implements the Community Redevelopment Area vision.

(1) The Community Redevelopment Area shall consist of a combination of residential, commercial, entertainment, recreational, professional office, civic, educational and institutional uses to encourage long term sustainable development.

(2) The Community Redevelopment Area shall include distinct interconnected, diverse residential neighborhoods of varying types and price ranges.

(3) Each residential neighborhood is expected to feature neighborhood parks and/or access to existing County recreational facilities, open space and easy access to the network of bicycle/pedestrian facilities, greenways and blueways, with special consideration for the health, safety and welfare of children residing in the Community Redevelopment Area and general vicinity.

(4) A Town Center shall be incorporated into the Community Redevelopment Area. The Town Center shall be designed using mixed-use and pedestrian friendly principles of traditional or neo-traditional urban design. The Town Center shall be of significant size, include a mix of commercial, office, entertainment, hotels, public, civic, recreational and residential uses that are properly located, and designed to capture internal trips in addition to serving as a regional destination. High density residential should be permitted in the Town Center.

(5) The Charlotte County School Board, owns a 35 acre site designated for a school board facility.

(6) Community redevelopment activities will focus upon the general commercial areas along Tamiami Trail (US 41) so that these areas might be developed in a manner that implements the overall vision of this Community Redevelopment Plan. Innovative solutions should be explored that provide the opportunity to enlarge, consolidate or reconfigure building lots and enhance the quality of site layout, access, architectural features, signage and landscaping.

(7) The County's planned development process will address the need to locate public facilities such as school facilities, sheriff substations, fire stations, government offices and other public services within the Community Redevelopment Area.

(8) The Community Redevelopment Area shall be designed to provide for a pedestrian and bicycle friendly street and access network to promote safe, convenient and comfortable access to neighborhoods, the Town Center, parks, neighborhood shopping, schools and other civic and institutional uses.

(9) Innovative design will be encouraged that integrates environmentally sound best practices (e.g., green building design, dual water systems, and xeriscape).

(G) Primary Objective 7: Improve transportation facilities within the Community Redevelopment Area to facilitate capture of internal trips, enhance regional connection and improve emergency evacuation.

(1) The transportation component for the Community Redevelopment Area will focus both on vehicular and pedestrian traffic. By providing a proper mix of land uses and transportation options, a substantial portion of the trips for residents and employees within the Community Redevelopment Area should be satisfied within the development itself.

(2) The close proximity of the Community Redevelopment Area to major arterials (Tamiami Trail (US 41) and State Road El Jobean Road (SR 776)) enables the creation of gateways into the Community Redevelopment Area from regional north-south connector roads. Flamingo Boulevard and Toledo Blade Boulevard may be redesigned and or relocated in a manner that addresses north-south connectivity, safe pedestrian crossing and emulates the overall character of the mixed-use redevelopment district.

(3) Roadway and streetscape improvements will improve access and traffic flow for internal and regional connections, provide for pedestrian and bicycle facilities and overall beautification. The following will be considered as guidelines for roadway and streetscape improvements.

(a) Undertake roadway and streetscape improvements on the primary roads and waterways within and along the perimeter of the Community Redevelopment Area.

(b) Provide the ability for vehicles, pedestrians and bicyclists to access an enhanced internal transportation network that connects the neighborhoods to services, recreation facilities and the Town Center. This includes exploring ways to enhance east/west connectivity.

(c) Explore vacating Collingswood Boulevard and enhancing the eastern edge of the Community Redevelopment Area, including the adjacent waterway.

(d) Explore innovative access management solutions to reduce curb cuts especially along Tamiami Trail (US 41).

(e) Explore alternate service roads and associated buffers to serve commercial development along Tamiami Trail (US 41), thereby managing access onto this roadway.

(f) Develop and incorporate landscape and lighting design standards to create a safe and inviting environment.

(g) Underground utilities where feasible to protect property during natural disasters and increase visual appeal.

(h) Implement primary roadway and streetscape improvements based on a phasing plan that emphasizes visual impact in addition to improved access and circulation.

(i) Integrate traffic calming techniques throughout the internal roadway system to enhance safety and facilitate a pedestrian/bicycle friendly environment. Traffic calming techniques may include the use of pavers or decorative concrete, raised pavement, change of landscape treatment and the creation of pedestrian nodes at major intersection, mid-block crossings and other locations where potential conflicts exist between vehicles, pedestrians and bicyclists. Creative options to traverse major streets, such as Toledo Blade Boulevard and Flamingo Boulevard, should be investigated. Pedestrian safety and crime prevention design standards should be employed along with aesthetic considerations when evaluating, designing and implementing pedestrian crossings.

(j) Traffic lights, crosswalks and regulatory/wayfinding signage will be used to enhance the safety of vehicles, pedestrians and bicyclists in key locations throughout the Community Redevelopment Area.

(k) Consider special enhancements to supplement private entity efforts to improve primary roadways, waterways and gateways.

(4) Explore multi-modal transportation alternatives to serve the Community Redevelopment Area. The following should be considered when exploring multi-modal transportation improvements.

(a) Connect the Community Redevelopment Area and adjoining regions in the County with the public transportation systems of neighboring counties.

(b) Design and implement associated facilities such as bus stops, shelters and hubs or other like facilities to materialize the system.

(5) Leverage the existing greenway and blueway networks to increase pedestrian, bicycle and boat/watercraft access and connectivity to the various existing parks and natural resources within and adjacent to the Community Redevelopment Area.

(6) A comprehensive bicycle and pedestrian plan will be prepared to address access, connectivity and mobility. This plan may be incorporated into the Charlotte County MPO Bicycle Pedestrian Plan.

(7) During the design and redevelopment of the Community Redevelopment Area, (a) emergency evacuation routes will be evaluated and enhanced and (b) design and construction activities will be undertaken to protect property against exposure to natural disasters.

(8) Increase access, connectivity and promote the Community Redevelopment Area through designing and implementing a signage and wayfinding system directing traffic to and from the Community Redevelopment Area and the major connectors and destinations in the region.

(H) <u>Primary Objective 8:</u> Identify and promote a workable means to fund, finance and deliver utility and infrastructure improvements needed to promote the mix-used redevelopment of the Community Redevelopment Area.

(1) Concurrent with the primary roadway improvements, the County, the CRA, any community development district, or private developer shall coordinate the delivery of infrastructure and utility improvements along the major roadways.

(2) In cooperation with a private developer and/or community development district, prepare and implement a stormwater and flood management plan taking into consideration the impact of the existing canals running through or adjacent to the Community Redevelopment Area.

(3) Explore and execute innovative ideas to transform the existing canals and stormwater conveyance systems into an amenity for the benefit of the Community Redevelopment Area, including by way of example and not limitation, the design of retention and stormwater management features which provide positive aesthetics and function to community open space.

(I) Primary Objective 9: Provide for and enhance parks, recreation facilities and public space improvements in a manner that enhances the Community Redevelopment Area as a mixed-use community.

(1) Recreational facilities will be encouraged within a five (5) minute walk (quarter-mile) of each residence.

(2) Partnerships and interlocal agreements with the private sector and other governmental entities shall ensure that the existing and proposed neighborhood

parks, recreation facilities and greenways within the Community Redevelopment Area are well maintained, accessible, safe and inviting.

(3) Special enhancement funds may be made available to embellish existing parks and other natural preserve/conservation areas to support the vision and intent for the Community Redevelopment Area. The following will be considered by the County, CRA, a community development district and any private redevelopment partner as guidelines for existing and new parks, recreation and public spaces.

(a) Provide sufficient public access to North Charlotte Regional Park and other various parks and natural resources within and adjacent to the Community Redevelopment Area.

(b) Evaluate the opportunities to integrate the North Charlotte Regional Park into, while complementing, adjacent land uses. Any such integration should enhance the overall character of the Community Redevelopment Area and not be designed or developed in a manner that segregates the mixed-use community. If deemed appropriate by the Board, the relocation of existing and planned recreation facilities and park amenities may be considered in order to implement the vision in this Community Redevelopment Plan.

(c) Leverage existing and proposed parks, natural preserves, conservation areas, blueways and greenways to serve as amenities for the Community Redevelopment Area and adjacent communities.

(d) Design and implement a public plaza, park or square within the proposed Town Center to serve as a civic facility and area for special events and programs.

(e) If required in the future, embellish parks within the Community Redevelopment Area to complement the quality of the adjacent neighborhoods and the Town Center.

(J) Primary Objective 10: Provide for adequate funding and financing mechanisms to enable the realization of the vision of the County and CRA for the Community Redevelopment Area.

(1) The County, CRA and any private redevelopment partner may be prepared to create, establish and use a community development district as a means to fund, finance and deliver much of the infrastructure required to implement the Development Plan and this Community Redevelopment Plan. This may include a commitment through interlocal agreement by the County and CRA to contribute a portion of revenues from the Community Redevelopment Trust Fund to support, in limited part, debt obligations of a community development district which will finance and cause the capital improvements required to implement this Community Redevelopment Plan to be timely constructed and delivered.

(2) It is important that the County, CRA, a community development district, and any redevelopment partner identify and secure all effective sources of

funding including, but not necessarily limited to, tax increment, non-ad valorem assessments and grant funding revenue.

(3) The County, CRA and a community development district may be willing to issue bonds, secure other financial instruments, seek grants, enter into public/private partnerships, and seek out other sources and alternatives to aid in implementing this Community Redevelopment Plan. Such sources and alternatives may include, but are not limited to, special assessments imposed by the County, ad valorem taxes imposed for municipal purposes through a municipal services taxing unit, or the imposition and pledge of ad valorem taxes upon a vote of the electors consistent with Article VII, Section 23, of the Florida Constitution.

SECTION 4.05. STRATEGIES FOR COMMUNITY OBJECTIVES.

(A) Community Objective 1: Aesthetic and Planning Review: Implement an aesthetic and planning review program to guide redevelopment and maintenance activities within the Community Redevelopment Area.

(1) Primary Objective 1 addresses the regulatory items that need to be in place prior to the initiation of physical redevelopment activities. This community objective speaks more directly to the development, implementation and maintenance of methods to ensure that regulatory requirements are met and to guide the desired physical image of the Community Redevelopment Area.

(2) The County and CRA must review, approve and oversee the development of design concepts and plans proposed by any property owner within the Community Redevelopment Area and coordinate with effected land owners to ensure the integrity of the vision articulated in this Community Redevelopment Plan is achieved. The County will assign dedicated staff to coordinate and approve all development plans proposed for the Community Redevelopment Area.

(3) The mixed-use redevelopment zoning ordinance will contain development/design standards for site, building, landscape, signage and public areas such as streets, parks, greenways, blueways and other recreational areas within the Community Redevelopment Area, including the commercial properties along Tamiami Trail (US 41). A development/design standards manual will be prepared that clearly articulates the development/design standards in a format that is concise yet user friendly. The development/design manual will be used to provide developers, builders, and individuals direction in preparing design/construction documents.

(4) The County and CRA will assign staff or personnel to oversee the integrity of the County's and CRA's vision of the Community Redevelopment Area during initial development. Subsequently, the County and CRA may set up an overseeing authority, such as a design review committee, or participate in any design review committee created by a developer or the community development district, to

assure the County's and CRA's design intent for the Community Redevelopment Area is maintained over a period of time.

(B) Community Objective 2: Maintaining a Safe and Clean Environment: Ensure that the Community Redevelopment Area is safe and clean over a period of time.

(1) The Community Redevelopment Act encourages "community policing innovations." This concept is defined as policing techniques or strategies designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of law enforcement in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, foot patrol, storefront police stations or intensified motorized patrol. The intent of these programs will be to improve the actual and perceived security, building safety and appearance of the Community Redevelopment Area. The following principles, based upon the experience of other communities, shall be established to guide these programs, they include: addressing environmental problems which cause or encourage criminal activity; involve local citizens in the campaign against crime; make the local law enforcement or security force approachable and trusted in order to foster an image of the community as a safe place to live, work and do business. To realize the full intent of the community policing, the following initiatives may be undertaken.

(a) Law enforcement officers and security personnel will be able to circulate throughout the Community Redevelopment Area on a regular basis to meet visitors, residents and business owners, listen to their security concerns and ask for their ideas to solve crime problems. Whenever possible, officers will attend community meetings and special events.

(b) Periodically analyze the crime "blotter" to assess the numbers and types of law enforcement responses within the Community Redevelopment Area. This analysis can be used to identify problems and trends.

(c) Create a special patrol or "beat" for the Community Redevelopment Area to provide a stronger law enforcement presence, additional door checks, bicycle patrols and like alternatives.

(d) Develop innovative techniques to address special needs of visitors.

(e) Implement crime prevention through environmental design standards to correct any security problems related to site improvements such as site design, lighting and vegetation. These standards may be integrated into the Community Redevelopment Area's development/design manual and can be printed and distributed throughout the Community Redevelopment Area.

(2) The County, CRA and a community development district may identify, execute, and coordinate special maintenance standards and programs for

public facilities or areas such as the North Charlotte Regional Park, roadways, open space areas, entries, the Town Center and commercial properties along Tamiami Trail (US 41).

(C) Community Objective 3: Provide Additional Infrastructure and Services: The County, CRA and a community development district may plan, design and deliver additional infrastructure improvements or services within or outside of the Community Redevelopment Area if appropriate and deemed that those improvements enhance the quality or attractiveness of the Community Redevelopment Area especially with regard to public amenities within the Community Redevelopment Area.

(1) Such additional infrastructure may include undergrounding utilities in certain areas to achieve a desired visual impact, upgrading technology and telecommunications availability to attract businesses or the enhancement of landscape areas and the development of off-site signage. Such additional improvements will complement the redevelopment partner's plans for the Community Redevelopment Area.

(2) Such additional services may include extraordinary right-of-way or other public area maintenance, planning and implementing cultural, charitable or place making activities and events and related services which showcase the Community Redevelopment Area.

(D) The conceptual diagram of the Development Plan, attached hereto as Appendix **[J],** generally illustrates the location and relationships of land uses, general street layout, parks, open space, public areas and pedestrian network related to implementing the overall objectives and strategies envisioned for the Community Redevelopment Area. Appendix **[L]** contains character sketches which are intended to provide a conceptual representation supporting the objectives discussed in this Community Redevelopment Plan. The elements shown in the conceptual diagram and character sketches may be relocated or realigned in future planning initiatives so as long as modifications are generally consistent with the vision articulated in this Community Redevelopment Plan.

ARTICLE V

STATUTORY COMPLIANCE

SECTION 5.01. STATUTORY REQUIREMENTS.

(A) The Community Redevelopment Act at Sections 163.360 and 163.362, Florida Statutes, requires every community redevelopment plan to contain specific information relevant to its particular redevelopment initiative. This article supplements and addresses the informational requirements articulated in the Community Redevelopment Act and serves to further describe the objectives and strategies presented in this Community Redevelopment Plan to implement the redevelopment initiative envisioned by the County and CRA for the Community Redevelopment Area.

(B) Appendix **[J]** and Appendix **[L]** show by diagram and concept sketch form what is described in general terms in this Section**.** This Section and the referenced appendices are consistent with the requirements of the Community Redevelopment Act at Section 163.362(2), Florida Statutes, and demonstrates by diagram and in text (1) the approximate amount of open space to be provided and street layout, (2) limitations on the type, size, height, number, and proposed use of buildings, (3) the approximate number of dwelling units, and (4) such property as is intended for use as public parks, recreation areas, streets, public utilities and public improvements**.**

(C) The Development Plan discussed in Section 7.01 further describes the urban design intent and components of parks and open space, street layout, location of

land uses including residential neighborhoods and properties that may receive public improvements.

SECTION 5.02. APPROXIMATE AMOUNT OF PARKS AND OPEN SPACE. It is anticipated that the Community Redevelopment Area will have a minimum of 20% recreation and open space lands. This estimated acreage may include specific areas reserved for retention and other conservation/preservation easements as deemed appropriate by the County and CRA. In addition, a public plaza, park or square to accommodate civic functions is also envisioned for the Town Center. Where feasible, access to parks, open space, greenways and blueways will be within a five minute (quarter-mile) walk of most residences.

SECTION 5.03. STREET LAYOUT. The transportation component for the Community Redevelopment Area is expected to focus both on vehicular and pedestrian traffic in a manner that creates a pedestrian and bicyclist friendly, convenient and safe environment. The close proximity to major arterials enables the creation of a new network of connecting roads and gateways into the Community Redevelopment Area. Flamingo Boulevard and Toledo Blade Boulevard shall be redesigned and or relocated in a manner that facilitates north-south connectivity and encourages the enhancement of the Community Redevelopment Area through landscaping, traffic calming and pedestrian amenities.

SECTION 5.04. LIMITATIONS ON THE TYPE, SIZE, HEIGHT, NUMBER AND PROPOSED USE OF BUILDINGS.

(A) The Community Redevelopment Area will be redeveloped as a mixed-use community that will include a variety of residential, retail, commercial, medical, office, public, educational, recreational and institutional facilities. The overall vision embodies sound planning and design principles and focuses on creating an environment friendly and sustainable community. The following provides development parameters for the Community Redevelopment Area. The descriptions included are not intended to be exclusive land uses but are representative of either the intended mix of uses or the predominant land uses. All land use areas may be shown on the Concept Plan.

(B) Neighborhood Residential (NR) land use areas are intended to be distinct, interconnected, diverse residential neighborhoods that offer a variety of housing options and price ranges. Residential densities within the Neighborhood Residential areas are expected to range from three (3) to six (6) dwelling units per acre for single family (SFR) and six (6) to fifteen (15) dwelling acres per acre for multi-family residential (MFR).

(C) Internal Commercial (IC) land use areas are expected to range in size from four (4) acres to no more than sixteen (16) acres in total and will be designated within the Community Redevelopment Area to provide for daily convenience goods,

professional, personal, and business services. Internal Commercial areas are expected to have a floor area ratio of up to 2.0. Internal commercial areas may be located within the residential neighborhood it is intended to serve.

(D) A Town Center (TC) land use area must be incorporated into the Community Redevelopment Area. The Town Center will be designed using the mixed-use and pedestrian friendly principals of neo-traditional or modified neo-traditional urban design. The Town Center is expected to range in size from eighty (80)acres to two hundred and fifty (250) acres and include a variety of non-residential uses including commercial, office, entertainment, recreational, hotels, public, civic, governmental and institutional uses, as well as residential uses. Within the Town Center residential densities are expected to range from twelve (12) to twenty-four (24) dwelling units per acre. Non-residential uses within the Town Center are expected to have a floor area ratio up to 3.0.

(E) Community Commercial (CC) land use areas are intended to provide for daily and lifestyle needs and services for the residents of Murdock Village as well as the residents of the general community. Community commercial areas are expected to range in size from ten (10) to thirty-five (35) acres in total. Non-residential uses are expected to have a floor area ratio of up to 3.0. Where residential uses are permitted, residential densities are expected to range between six (6) and fifteen (15) dwelling units per acre.

(F) General Commercial (GC) land use areas are expected to be permitted within the Community Redevelopment Area, specifically along Tamiami Trail (US 41) and El Jobean Road (SR 776) are expected to range in size from no less than forty (40) to no more than sixty-nine (69) acres in total. General commercial uses are intended to be primarily connected with the sale, rental, and distribution of products or the performance of services. Non-residential uses are expected to have a floor area ratio of up to 3.0. Where residential uses are permitted, residential densities are expected to range up to fifteen (15) dwelling units per acre.

(G) Office Showroom (OS) land use areas are intended for activities that diversify the economic base of the community and are limited to light fabrication, service, printing, storage and packaging uses that do not have nuisance impacts on adjacent uses from dust, odor, noise, vibration, or glare. Office showroom areas are expected to range in size up to forty (40) acres. Non-residential uses are expected to have a floor area ratio of up to 2.0.

(H) The University/College Campus (UC) land use area is intended to provide educational and residential opportunities in an urban, rather than a suburban campus. Uses allowed include buildings for academic, administrative, dormitory, and support service uses, parking garages and surface lots, and other uses customarily part of a university or college campus. The Campus land use area is expected to range in size up to fifty-five (55) acres. Residential uses shall be limited to dormitories, and shall not be

1 considered permanent density. Non-residential uses are expected to have a floor area
2 ratio of up to 4.0.
3 (I) The Primary and Secondary Education Facilities (EF) land use area is
4 intended to provide a public school site within the Community Redevelopment Area.
5 The land use area is expected to range in size up to thirty-five (35) acres and have a
6 floor area ratio not to exceed 4.0.
7 (J) Civic and institutional uses such as schools, churches and government
8 facilities may be located within residential neighborhoods, the Town Center or the
9 Internal Commercial areas. Civic and institutional uses within the Community
10 Redevelopment Area are expected to have a floor area ratio not to exceed 3.0.
11 (K) Residential dwelling units will be allowed in the same buildings as office
12 or commercial uses or multi-use development sites.
13 (L) Multi-use development on the same parcel must be compatible with
14 surrounding land uses.
15 (M) Building design, including height and location, is expected to reinforce a
16 pedestrian-oriented character and scale including linkages between land uses through a
17 functional bicycle-pedestrian system.
18 (N) Design/development standards will be drafted and adopted to properly
19 guide land use relationships and provide design criteria for site and building design,
20 including the height of structures to be located within the Community Redevelopment

Area. Other land uses that shall be permitted within the various land use areas shall include:

(1) Regional Commercial (RC): Regional commercial uses shall serve the residents of Murdock Village as well as the residents of the general region and may include uses such as retail, national stores, hotels, office, corporate headquarters, professional services, restaurants, personal services, professional supplies, and other similar uses. The size and scale of the uses included within the Regional Commercial category encompass the full range of all commercial categories. Regional Commercial is a use vested in the Binding Letter of Interpretation of Vested Rights.

(2) Other Commercial (OC): Other commercial uses include uses such as retail, national stores, professional services, restaurants, personal services, and other similar uses. Other Commercial is a use vested in the Binding Letter of Interpretation of Vested Rights.

(3) Assisted Living Facility (ALF): Assisted living facilities are a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.

(4) Recreation Facility (RF): Recreation facilities are active recreational uses such as amusement rides, boating facilities, golf or miniature golf courses,

commercial sports facilities, swimming and wading pools and spas that are privately owned. Public facilities, such as sports facilities, constitute recreational facilities when they are available for commercial use. Recreational facilities do not include passive or open spaces which are open to the public.

(5) Student Housing (SH): Student housing specifically refers to dormitory or other housing provided as part of a university or college campus. Dormitory-style housing provided by private suppliers on sites not part of a university or college campus shall be considered multi-family residential and not student housing.

(6) Land uses shall be permitted within the various land use areas as detailed by the following table:

ALLOWABLE LAND USES

Land Use Area	Single Family Residential	Multi Family Residential	Regional Commercial	Other Commercial	ALF	Office Show Room	Community Commercial	Recreation Facility	Internal Commercial	Student Housing
Neighborhood Residential	X	X			X			X	X	
Town Center	X	X	X	X	X	X	X	X		
General Commercial		X	X	X	X	X	X	X		
Community Commercial		X		X	X		X	X		
Office Showroom						X				
Internal Commercial					X				X	
University Campus										X
Educational Facility										

SECTION 5.05. NUMBER OF DWELLING UNITS, VESTED RIGHTS; CONCURRENCY.

(A) The County has received the Binding Letter of Interpretation of Vested Rights which determined that 3,282 residential dwelling units and 3,023,882 square feet of commercial uses within the Community Redevelopment Area are vested from development of regional impact review. On January 8, 2008 the County requested a modification to the Binding Letter of Interpretation of Vested Rights, which permits the use of an Equivalency Matrix. The Equivalency Matrix provides flexibility in the vested development rights by providing the ability to convert the vested residential density and intensity to a full range of uses including residential, regional and community commercial, Independent Living Facilities/Assisted Living Facilities, office showrooms, hotels, colleges and universities and parks and other recreational facilities.

(B) In order to preserve the vested rights recognized under the Binding Letter of Interpretation of Vested Rights, a change to the number of residential units, or the amount of commercial square footage proposed for the redevelopment of the Community Redevelopment Area must result in a level of impact (e.g., traffic generation, roadway level of services, public services and facilities) which is less than or equal to that projected for build-out of the vested development rights.

(C) The Comprehensive Plan establishes minimum levels of services, or concurrency, for six types of facilities and infrastructure: potable water, sanitary sewer,

solid waste, drainage, recreation and open space, and transportation facilities. Construction activities within the Community Redevelopment Area will be permitted through the County's planned development district process; and, as such the County, the CRA and any redevelopment partner must document what impact the proposed development has on the County's infrastructure, facilities and services. The proposed redevelopment within the Community Redevelopment Area is not expected to decrease levels of service below the adopted minimum levels. In 2008, the CRA, the County, and the Charlotte County School Board applied for a Determination of Vested Rights for approximately 1,027 acres of property under the ownership of the CRA and the Charlotte County School Board to establish whether the property is vested under Concurrency Management, specifically with regard to Transportation. In March 2009, the CRA received determination that the property, identified in the application, has vested rights from transportation concurrency.

(1) The following identifies in general terms how concurrency will be met within the Community Redevelopment Area. Adequate potable water capacity exists within Charlotte County to serve the Community Redevelopment Area. Charlotte County Utilities is responsible for providing potable water to the Community Redevelopment Area concurrent with development. Connection and usage fees will be determined by Charlotte County Utilities upon receipt of an application to

connect the system, based upon approved rates, fees, and charges existing at the time of submission.

(2) Adequate waste water treatment capacity exists within Charlotte County to serve the Community Redevelopment Area. Charlotte County Utilities is responsible for providing waste water treatment service to the Community Redevelopment Area concurrent with development. Connection and usage fees will be determined by Charlotte County Utilities upon receipt of an application to connect the system, based upon approved rates, fees, and charges existing at the time of submission.

(3) Solid waste management (both collection and disposal capacity) will be provided by the County. The County's Zemmel Road Landfill has sufficient capacity to dispose of over 6.6 million tons of waste. To date, approximately 200,000 tons of solid waste has been landfilled, leaving a capacity of 6.4 million tons. The landfill has an estimated remaining lifespan of over 28 years. The County has obtained a permit that would extend that lifespan even more by using alternative methods of landfilling waste. There is adequate capacity within the County's solid waste management system to handle the vested development within the Community Redevelopment Area.

(4) Drainage will be addressed during the planned development permitting process.

(5) Recreation and open space level of services for the County is 3.0 acres per thousand population for active recreation and multi-purpose parks and 3.0 acres per thousand for all passive parks and preserves. During the planned development permitting process specific parks, recreation and open space facilities will be addressed. This Community Redevelopment Plan specifies that the County, CRA and the redevelopment partner will strive to dedicate 20% of the total acreage within the Community Redevelopment Area to parks, recreation and open space; therefore the provision of parks, recreation and open space will exceed the County's level of services standard.

SECTION 5.06. INTENDED USE OF PROPERTY FOR PUBLIC PARKS, RECREATION AREAS, STREETS, PUBLIC UTILITIES AND PUBLIC IMPROVEMENTS. The Community Redevelopment Area will be redeveloped as a pedestrian and environmental friendly mixed-use community. Public facilities such as parks, recreational facilities, greenways, streets, utilities, government buildings and services shall be located throughout the community in a manner that provides for convenient–and safe access while enhancing the

aesthetic character of the Community Redevelopment Area. Utility lines shall be placed underground wherever feasible. If above ground structures such as water tanks or transformer boxes must remain within the Community Redevelopment Area they should be located and treated in a manner that is safe and aesthetically pleasing. In addition to the parks and open spaces addressed elsewhere in this Community Redevelopment Plan, a thirty-five (35) acre site is designated for a school board facility if deemed appropriate by the Charlotte County School Board. During the planned development process determinations will be made regarding the need to locate public facilities such as sheriff substations, fire stations, government offices and other public services within the Community Redevelopment Area. The documents created by, the County, the CRA, or any redevelopment partner for submission through the County's planned development permitting process will clearly define how the services addressed by the County's concurrency management system are being provided.

SECTION 5.07. NEIGHBORHOOD IMPACT ELEMENT.

(A) The Community Redevelopment Act at Section 163.362(3), Florida Statutes, requires that if a Community Redevelopment Area contains low or moderate income housing a neighborhood impact element shall be prepared to describe the impact of the redevelopment upon the residents of the redevelopment area and the

surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services and the effect on school population. The County and CRA are in the process of acquiring all, or substantially all, of the land within the Community Redevelopment Area (this includes all residentially zoned land) in order to completely reconfigure the entire platted area and facilitate the redevelopment initiative with a redevelopment partner. Of the approximately 3,000 platted lots, only seventy-seven (77) lots were ever improved with homes.

(B) The greatest impact upon the current residents of the Community Redevelopment Area will be relocation. While it has sometimes been painful to relocate as many as 77 households, many owners have gladly embraced the County's offer to purchase. The Board is committed to being fair to all existing property owners within the Community Redevelopment Area. All properties will be appraised by independent licensed appraisers. In most cases homeowners have been afforded the opportunity to lease back their houses while they find or build new homes. When all negotiations fail, the County has opted to exercise the power of eminent domain, at which time a jury would decide the fair market value based on appraisals and expert testimony. In this case, to the extent provided by law, all legal and additional appraisal costs will be paid for by the County.

(C) Secondary impacts on the residents relating to traffic circulation, environmental quality, availability of community services and facilities, effect on school

population and other matters affecting the physical and social quality of the neighborhood are diminimus and limited to removing all residents and the phased process of demolition and construction of a new mixed-use community. During this transition and so long as any property continues to be inhabited, the County will continue to provide community facilities and services.

SECTION 5.08. REPLACEMENT HOUSING; RELOCATION. The Community Redevelopment Act at Section 163.362, Florida Statutes, provides that the Community Redevelopment Plan shall assure that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the Community Redevelopment Area. As clearance of the Community Redevelopment Area is one of the primary redevelopment tools enumerated to remedy blighted area conditions, there will be no replacement housing available within the Community Redevelopment Area once clearance activities commence. The overwhelming majority of displaced persons from the Community Redevelopment Area resided in single family housing. Of the almost 3,000 lots only seventy-seven (77) lots were ever improved with homes and as of 2003, only 65% of those reflected homestead exemption which indicates owner occupation, the remainder can reasonably be assumed to be either second homes or rentals. As documented in the County's 2003 Evaluation and Appraisal Report, the County has both the lowest average cost and the lowest House Cost Index of purchasing a home in Southwest Florida. Accordingly,

1 families seeking relocation will be provided a reasonable opportunity to acquire decent,
2 safe, and sanitary replacement housing within the County.

3 (A) Further, the County Administrator and/or the Executive
4 Director of the Agency, or his designee, throughout the acquisition
5 process instituted, the following policies with respect to relocation
6 assistance during the acquisition process:

7 (1) Property owners may be offered up to 20% above the
8 estimated market value of the property.

9 (2) Homeowners may be offered reimbursement of
10 impact fees up to $2,510 if they build a new home in Charlotte County
11 within twenty-four (24) months of closing.

12 (3) Homeowners may be offered homestead exemption
13 benefit payments equal to ten times the benefit if the homeowner builds a
14 new home in Charlotte County within twenty-four (24) months of closing
15 and provides a copy of the certificate of occupancy to the County.

16 (4) The County or Agency may pay or provide a credit at
17 closing for any prepayment penalties if so required by mortgagees.

18 (5) Homeowners or landowners may be permitted to
19 remain in their homes or improved commercial properties after closing
20 and lease such improved properties back at rental rates substantially

below the market rate for an extended period of time (until clearance activities, such as street and subdivision infrastructure removal to remedy the blighted area conditions begins to occur).

(6) Homeowners or landowners will be permitted to remove certain outbuildings, fixtures and chattels, and landscaping improvements without cost as mutually agreed to in any purchase agreement or settlement.

(B) The County Administrator and/or Executive Director of the Agency, or his designee, is hereby authorized and directed to continue to seek and identify innovative methods so that displaced families, businesses, or improved land owners may have better opportunities to respectively find decent, safe, and sanitary replacement housing or facilities so as to lessen the impact of displacement upon affected property owners during the acquisition process.

(C) The foregoing relocation assistance policies and relative market conditions of Charlotte County (compared to other coastal counties in Southwest Florida) will provide families seeking relocation a reasonable opportunity to acquire decent, safe, and sanitary replacement housing within the County.

(D) The foregoing relocation assistance policies and actions taken consistent therewith are ratified, confirmed, directed, authorized, and determined to provide an array of reasonable assurances that there will be replacement housing available for the limited number of persons displaced from housing facilities in the Community Redevelopment Area.

(E) The 2004 hurricane season had a detrimental impact on all housing inventory in Charlotte County; however due to federal and state grant opportunities, an aggressive and innovative housing recovery plan has been adopted to assist in the rehabilitation and rebuilding of affordable housing units within the community. The County has received over $17 million dollars to assist in housing replacement and recovery. In addition, substantial additional state and/or federal funding is anticipated to further the development of affordable housing in the County and implement a community-wide housing recovery plan. Although implementation of this Community Redevelopment Plan will not have an immediate impact on available affordable housing, the provision of affordable housing will be encouraged as a part of any Redevelopment Agreement associated with the disposition of lands by the County or Agency in the Community Redevelopment Area.

SECTION 5.09. DETERMINATIONS CONCERNING RESIDENTIAL AND NON-RESIDENTIAL USES; RATIFICATION.

(A) None of the lands within the Community Redevelopment Area are open lands, or substantially unplatted or used for agricultural purposes. All of the lands within the Community Redevelopment Area were subdivided and platted decades ago into approximately 3,000 residential and commercial lots, and developed, with paved, improved and dedicated streets, stormwater and drainage facilities and infrastructure. Although there has been relatively little vertical development within the subdivisions encompassed by the Community Redevelopment Area and a substantial number of the structures including, but not limited to, subdivision infrastructure, roadways and drainage swales are physically and functionally deteriorating or deteriorated, the entire Community Redevelopment Area, like much of the County, was decades ago committed, subjected, and sold as subdivided and developed residential and commercial lots; and, the Community Redevelopment Area is not therefore fairly characterized as "open lands," as such term is used in the Community Redevelopment Act.

(B) This Community Redevelopment Plan does provide for residential uses within the Community Redevelopment Area. Although the community redevelopment expected to occur pursuant to this Community Redevelopment Plan will provide for diverse housing opportunities in a variety of price ranges which may include housing

1 affordable to residents of low or moderate income, the Community Redevelopment
2 Plan is not intended or required to completely remedy a shortage of housing affordable
3 to residents of low or moderate income.

4 (C) A shortage of housing of sound standards and design which is decent,
5 sanitary and affordable to residents of low or moderate income exists in the County.
6 The County's 2003 Evaluation and Appraisal Report contains projected affordable
7 housing deficits, as presented by the Shimberg Center, and reports that there is a
8 current deficiency of rental and owned residential units for all income categories of
9 nearly twenty-five thousand (25,000) units and by 2010 that number will be closer to
10 thirty-five thousand (35,000).

11 (D) Since the adoption of the initial finding of necessity by the County and the
12 creation of the Community Redevelopment Area, the housing stock within the County
13 was greatly impacted by the 2004 hurricane season further increasing the need to
14 provide for decent, and safe housing for all economic levels. The County is working
15 diligently with local not-for-profit housing providers and state and federal government
16 to provide new affordable housing throughout Charlotte County.

17 (E) Notwithstanding the housing impacts of the 2004 hurricane season, the
18 need for housing accommodations has increased throughout the County; however, the
19 blighted area conditions in the Community Redevelopment Area have not been
20 conducive to creating housing opportunities. The acquisition of all or substantially all

of the lands within the Community Redevelopment Area to create a mixed-use community with substantial opportunities for diverse housing in a variety of price ranges is an integral part of, and is essential to addressing growth management, housing needs, and implementing the community redevelopment initiative envisioned by the County and CRA in this Community Redevelopment Plan.

(F) Non-residential uses within the mixed-use community contemplated by this Community Redevelopment Plan are also necessary and appropriate to facilitate proper growth and development within the County, and particularly within the Community Redevelopment Area in accordance with sound planning, urban design standards and local community objectives.

(G) The acquisition of all or substantially all of the land within the Community Redevelopment Area requires governmental action, as provided in the Community Redevelopment Act, in order to address conditions within the Community Redevelopment Area identified by the Board in making its finding of necessity required by the Community Redevelopment Act at Section 163.355, Florida Statutes. Acquisition of land in the Community Redevelopment Area requires the exercise of governmental action by the County and CRA due to:

(1) title problems resulting from the relatively low value of vacant platted lots involved, often the passage of many years since the initial land sales, and

the diversity of ownership where large numbers of owners of record are either deceased or located outside of Florida of the United States;

(2) archaic deed restrictions common to the entire Community Redevelopment Area (that are otherwise not enforceable against the County or CRA when such lands are acquired for public purposes);

(3) outmoded street patterns within the Community Redevelopment Area;

(4) deterioration and decay of structures within the Community Redevelopment Area, including but not limited to, site improvements, subdivision infrastructure and roadways;

(5) adverse consequences of criminal mischief due to the deserted nature of the subdivision and resulting in part from illegal dumping throughout the Community Redevelopment Area for many years;

(6) economic disuse from resulting conditions within the Community Redevelopment Area that substantially impairs sound growth and have led to symptomatic distress in the area; and

(7) a lack of roadway and pedestrian system connectivity within the Community Redevelopment Area with other areas of the County.

(H) By adoption of this Community Redevelopment Plan, the County and CRA shall be deemed to have ratified and confirmed the determinations made in this

Community Redevelopment Plan and that conditions of blight in the Community Redevelopment Area referenced, identified, and confirmed by this Community Redevelopment Plan contribute to an increase in crime and constitute a menace to public health, safety, morals or welfare.

SECTION 5.10. DURATION. Consistent with the provisions of the Community Redevelopment Act at Section 163.362(10), Florida Statutes, all redevelopment activities financed by increment revenues from the Community Redevelopment Trust Fund shall occur within forty (40) years after the fiscal year in which this Community Redevelopment Plan is approved or adopted. The duration of this Community Redevelopment Plan shall be for the maximum period allowed by the Community Redevelopment Act .

ARTICLE VI

FINANCIAL ANALYSIS AND PLANNING

SECTION 6.01. ESTIMATING TAX INCREMENT REVENUE.

(A) Estimates of prospective tax increment revenue that might be derived from the Community Redevelopment Area and paid into the Community Redevelopment Trust Fund have been estimated by the County's real estate economic advisor, Real Estate Research Consultants, Inc. The stream of prospective revenue is dependent on several factors, including the pace of redevelopment and development which occurs in the Community Redevelopment Area, the content of that development, assessed and taxable values, the millage levied against the taxable base, the rate of appreciation in the existing tax base and the level of public intervention. Together, these many variables suggest a wide range of outcomes, all possible depending on the specific conditions imputed into the analysis.

(B) With input from the County officials, staff and consultants, the County's real estate economic advisor illustrated several possibilities by producing alternative estimates and projections that incorporate high, medium, and low assumptions. The alternative sets reflect a range of parameters in which financial planning should occur. The information outlined in this Article is suitable for planning purposes particularly given the range of valuations and estimated improvements costs; however, as this

Community Redevelopment Plan is executed and implemented, continual input and analysis will be required to refine and update the analysis and the specifications that drive the output.

SECTION 6.02. METHODOLOGY AND APPROACH.

(A) The analysis is based on tax roll data obtained from the Charlotte County Property Appraiser and expectations about the concept prepared by WilsonMiller and the Development Plan. The data from the most recent assessment role, used in connection with taxation by the Property Appraiser and the Tax Collector, will provide the base year taxable value. The base year will be determined using the assessment role in use immediately prior to the adoption of the ordinance establishing the Community Redevelopment Trust Fund.

(B) It is assumed, for the purposes of this Community Redevelopment Plan, that the base year will reflect this sum as the base year valuation. However any differences that might occur through inclusion or exclusion are relatively immaterial in the context of total valuation. For example, through the land acquisition process of the County and CRA, privately held properties are being transferred to the County and this transfer will alter their taxable status. A higher or lower base sum would, of course affect the ultimate tax collections to some degree. The actual number will be officially certified by the Charlotte County Property Appraiser upon adoption of this Community

Redevelopment Plan and the establishment of the Community Redevelopment Trust Fund as part of a statutorily required administrative process.

(C) Specific increases in the tax base are shown in terms of expected development and its value. This expected development is based exclusively on past patterns of activity adjusted for anticipated community redevelopment activities within the Community Redevelopment Area. These programmatic assumptions offer a baseline for comparison with future potential development.

(D) Generally, the major differences among the high, moderate and low scenarios relate to the pricing thresholds of residential product that are anticipated to be introduced into the Community Redevelopment Area. The valuation assumptions imputed into the analysis reflect a broad range of mix and pricing that might be achieved.

(E) Any development occurring in this analysis should be considered largely conjectural in all of the scenarios because the basis for such growth is speculative at the time of adoption of this Community Redevelopment Plan and highly dependent upon the actual development scheme implemented pursuant to this Community Redevelopment Plan. Given the nature of economic cycles and future uncertainties, the near term analysis should be considered materially more reliable than the term extending past the year ten. While the high scenario might be achieved, the low

1 scenario is most consistent with the nature of historical development activity in the
2 County.

3 (F) For this analysis, the County's 2003 millage rate has been used, and it is
4 held constant over the planning horizon. For the last several years, the operating
5 millage of the County has been relatively unchanged. No other millages are expected to
6 be contributed to the Community Redevelopment Trust Fund as the County is the only
7 taxing authority subject to the provisions of Section 163.387(2), Florida Statutes.

8 (G) As for the structure of the revenues that might accrue, only the taxable
9 value(s) net of the base year taxable value is considered in calculating current or future
10 tax increment revenue. The general procedures used to calculate available revenue are
11 shown in the following equations.

12 (1) Assessed values, including new construction, LESS exemptions or
13 exclusions EQUAL current taxable values.

14 (2) Current taxable values LESS established base year taxable values
15 EQUAL net valuations subject to applicable jurisdictional millages.

16 (3) Net valuations MULTIPLIED by applicable millages(s) EQUAL tax
17 increment revenue. Pursuant to the Community Redevelopment Act, Section 163.387,
18 Florida Statutes, the maximum revenue available to the Community Redevelopment
19 Trust Fund will be 95% of the calculated tax increment. The financial indicators,

assumptions and results used in preparing this tax increment analysis are attached hereto as Appendix **[K]**.

SECTION 6.03. TAX INCREMENT ANALYSIS.

(A) The availability of potential tax increment revenue is among the most attractive of the redevelopment tools provided in the Community Redevelopment Act. Tax increment revenue becomes available as the result of focused and continuing redevelopment activities within a community redevelopment area, and it may be used to fund or finance a variety of community redevelopment related capital and service initiatives. Tax increment revenues, when leveraged and combined by interlocal agreement with municipal service taxes or non-ad valorem assessments from a community redevelopment area provide a particularly powerful tool to help Florida's local governments address and redevelop slum or blighted areas.

(B) This analysis focuses only on tax increment revenues, not other significant revenues and structural opportunities that can be leveraged, combined and deployed in concert with tax increment revenues and the leveraging affects they generate. A variety of local, state and federal programs might be connected to the tax increment revenues in a manner which leverages the tax increment revenues or obtains other dollars for redevelopment used for acquisition. They potentially may be used independently to service debt or they might be paired with a deliberately constructed non-ad valorem assessment program that leverages the expected flow of tax increment revenues and

uses the tax investment revenues to offset or buy down special assessments used to finance capital improvements.

(C) Tax increment forecasts in an area of future concentrated ownership such as the Community Redevelopment Area are extremely vulnerable to imminent development, (re)zoning, permitting or any other activity that might quickly change the content of the tax roll. Once a generalized timing and development strategy is implemented, these projections will need to be re-examined periodically in the context of actual redevelopment and development activity.

(D) The tax increment analysis in Appendix **[K]** provides an insight required for planning purposes. This analysis should not be given any weight as a commitment or requirement by the County or CRA to collect or expend any specific amount of tax increment or to use any tax increment revenues to fund or finance any capital or service project.

ARTICLE VII

CAPITAL PLANNING

SECTION 7.01. DEVELOPMENT PLAN.

(A) Using contemporary planning and urban design techniques and methods a conceptual diagram and character sketches have been developed which graphically depict and are consistent with the County's and CRA's vision as expressed in this Community Redevelopment Plan, of creating a mixed-use, high-tech, energy efficient and environmentally friendly community for the Community Redevelopment Area.

(B) The conceptual diagram was presented to the Board for consideration, input and direction to incorporate this conceptual diagram into this Community Redevelopment Plan and to use this conceptual diagram as the basis for preparing a capital plan and budget in addition to guiding future development within the Community Redevelopment Area.

(C) Central concepts represented in the conceptual diagram and character sketches are as follows:

(1) The Community Redevelopment Area will be redeveloped as a mixed-use village including residential, civic, commercial, office, parks, recreational and institutional land uses that are weaved into several distinct neighborhoods and a "downtown" commercial area designated as the Town Center;

(2) The Town Center is sized to incorporate a wide mix of commercial, office, entertainment, recreational, civic, government and residential land uses;

(3) Opportunities should be provided to incorporate portions of the North Charlotte County Regional Park, waterways and linear park elements through pedestrian connections, gathering areas, landscape and view sheds into adjacent land uses;

(4) To ensure the Town Center is sustainable, it should be located to have external access from a major roadway, internal pedestrian and vehicular access and external connections to the adjacent fairgrounds and other adjacent, or near by, public facilities.

(5) The location of the Town Center should also provide appropriate buffering between the higher density uses and the single family residential areas;

(6) Residential neighborhoods, where feasible, should have access to parks and recreation facilities and neighborhood services within a 5 minute walk;

(7) The existing waterways are shown to be reconfigured in a naturalized manner and incorporated into a great linear park that provides pedestrian access through the Community Redevelopment Area simulating a more natural environment without greatly diverting existing waterways;

(8) The internal access network will include streets, pedestrian facilities, greenways and blueways, and a modified grid approach to the internal street system

should be considered as a mechanism to enhance neighborhood interconnectivity and promote the development of a neo-traditional or modified neo-traditional community;

(9) To ensure north-south regional connectivity, a primary roadway has been designated to function as north-south parkway and may contain up to four traffic lanes, must be appropriately landscaped and incorporate traffic calming features and pedestrian facilities such as multi-purpose paths, bike lanes and safe crossings;

(10) The north-south parkway is expected to provide connections to distinct residential neighborhoods, the Town Center, El Jobean Road (SR 776) and Tamiami Trail (US 41);

(11) To ensure connectivity between the Town Center and neighborhoods west of the Community Redevelopment Area, a primary roadway has been designated to function as east-west parkway consisting of two traffic lanes, appropriate landscaping, traffic calming features, pedestrian facilities and safe crossings;

(12) The design of primary roadways within the Community Redevelopment Area shall be accomplished in such a manner that promotes internal as well as regional connectivity and enhances overall community aesthetics and function;

(13) Commercial lots along Tamiami Trail (US 41) are shown with increased lot depths in order to provide the opportunity to meet contemporary urban design standards and provide for enhanced site planning, reducing or minimizing curb

cuts along Tamiami Trail (US 41) with the opportunity to incorporate a properly buffered access road; and

(14) Wayfinding and community identification gateways should be provided at major entry points into the Community Redevelopment Area.

(D) The conceptual diagram is incorporated as Appendix **[J]** and represents a graphical depiction of the primary street network, land uses, recreation facilities, public areas and open space for capital budgeting purposes in addition to further articulating the vision contained in this Community Redevelopment Plan. The elements shown on the conceptual diagram, Appendix **[J],** and in the character sketches, attached hereto as Appendix **[L],** is an illustrative of a potential community redevelopment scheme. The elements shown in the conceptual diagram and character sketches may be relocated or realigned in future planning initiatives so long as modifications are generally consistent with the vision articulated in this Community Redevelopment Plan.

SECTION 7.02. CAPITAL PROJECTS.

(A) This section is intended to address the requirement in the Community Redevelopment Act at Section 163.362(4), Florida Statutes, which requires identification of publicly funded capital projects to be undertaken within the Community Redevelopment Area. At adoption of this Community Redevelopment Plan, it is difficult to identify with any great degree of specificity all capital projects necessary to realize the primary and community objectives contained in this Community

Redevelopment Plan. The Development Plan and any Redevelopment Agreement and/or Area Reinvestment Agreement, as defined in Section 163.387, F.S., will include budgets and costs for the underlying infrastructure necessary to implement this Community Redevelopment Plan.

(B) The County and CRA may enter into an interlocal agreement with a community development district and a redevelopment partner which will articulate a number of infrastructure activities that the community development district will be expected to fund, finance and deliver. Such an interlocal agreement may require that the County and CRA commit revenues from the Community Redevelopment Trust Fund and other legally available revenues, derived solely from the Community Redevelopment Area necessary to underwrite capital projects within the Community Redevelopment Area.

(C) Consistent with the Community Redevelopment Act at Section 163.370(2), Florida Statutes, tax increment revenues paid into the Community Redevelopment Trust Fund will not be used to pay for or finance capital improvements constructed within three (3) years of approval or adoption of this Community Redevelopment Plan which were previously approved as a part of the County's 5-Year Capital Improvements Program. The County's most recently approved Capital Improvement Program, FY 2010/2011 through FY 2014/2015, was adopted by the Board on October 12, 2010.

(D) The Community Redevelopment Area capital project work plan is attached hereto as Appendix **[H]**, and does not include projects that were previously approved in the County's 5-Year Capital Improvement Program. The capital project work plan is subject to revisions, updates and prioritization as community redevelopment implementation occurs.

SECTION 7.03. PROJECTED COSTS.

(A) The Community Redevelopment Act at Section 163.362(9) requires that this Community Redevelopment Plan contain a detailed statement of projected costs related to the redevelopment initiative, including the amount to be expended on publicly funded capital projects in the Community Redevelopment Area and any indebtedness of the County or CRA proposed to be incurred for such redevelopment if the indebtedness is to be repaid with revenues from the Community Redevelopment Trust Fund. To implement this Community Redevelopment Plan, it will be necessary to combine both public and private sources of capital, using both long and short term financing options.

(B) For planning purposes, the major capital components proposed within the Community Redevelopment Area are classified in Appendix **[H]**.

(C) It is anticipated that the cost of major capital components in the Community Redevelopment Area will be satisfied through a combination of existing and future capital budget commitments, fees, fee related credits, tax increment funds

generated from the redevelopment construction in the Community Redevelopment Area, special assessments imposed by a community development district, and possibly an additional millage levied through a municipal service taxing unit if the County deems appropriate. Conceptually, the linkages among these funds or resources will be articulated in a Redevelopment Agreement, Area Reinvestment Agreement, and/or an interlocal agreement executed among a private sector redevelopment partner, the County, the CRA and/or a community development district.

(D) The various costs associated with implementing the Redevelopment Plan have been identified as being either primarily a public or private responsibility. Public costs are those that are necessary to insure the general framework of the Development Plan are developed and to support activities that are regionally beneficial in some way or that extend beyond the Community Redevelopment Area. Private costs, such as those associated with site specific, subdivision infrastructure are those that enable buildings or building sites within the larger plan to be constructed in accordance with the general framework.

(1) Those items identified as primarily public costs will be structured such that private resources are committed in conjunction with or in advance of public resources. In some cases, public expenditures will not be immediately required to support the Redevelopment Plan. In other cases, these expenditures can be phased in accordance with the scale of the redevelopment effort such that costs are

1 advantageously matched to the expected stream of tax increment or other revenues that
2 become available.
3 (2) The road improvements identified as primarily public costs have
4 related benefits that are generally regional. In the short term, right-of-way would be
5 dedicated by the private sector for these needed road segments but the existing capacity
6 and road sections, adequate to serve the initial phases of the Development Plan, would
7 remain largely intact until demands increased.
8 (3) Certain proposed linear and regional park improvements also
9 benefit a broader community. It is envisioned that these park improvements or
10 enhancements will be constructed by the private sector redevelopment partner or the
11 community development district, and will be largely funded with public resources
12 according to the terms of a Redevelopment Agreement and/or an interlocal agreement.
13 (4) Neighborhood parks and other roads are expected to be the
14 responsibility of the private sector redevelopment partner or the community
15 development district, constructed and funded as subdivision type improvements.
16 Should public resources be committed to these largely private development activities,
17 they will follow the application of private funds or community development district
18 financing.
19 (E) As part of the various public commitments to the Development Plan, it is
20 expected that the CRA may commit a sum not less than 50% of the available tax

increment in total to identified capital items. Tax increment or other publicly generated forms of revenue may assume a secondary financial role to proceeds or financing generated through developer equity, other sources of developer cash, and non-ad valorem assessments imposed through a community development district. Public funds that are available are expected to flow from the CRA according to the terms of a Redevelopment Agreement, Area Reinvestment Agreement, and/or an interlocal agreement. Liens against property secured through assessments will constitute a primary source of leveraged debt. Tax increment revenues will constitute a secondary revenue source that will only become available as the funds accrue in the Community Redevelopment Trust Fund.

(F) Both short and long term financing may be available through a community development district, subject to satisfying the financial tests normal and customary for such a financing vehicle. The developer implementing the preferred development program will establish the level of assessments or fees applicable to the community development district within the parameters imposed by the local housing market, but subject to disclosures that meet or exceed the minimum land sale disclosure standards set by Chapter 190, Florida Statutes.

(G) The County may also consider a modest ad valorem millage levy through a municipal services taxing unit within all or a part of the Community Redevelopment Area for capital and/or operating costs. Any such limited and consensual ad valorem

levy pledged to repay any debt issuance must be structured at the outset when elector approval is easily obtained by the developer.

ARTICLE VIII

GENERAL

SECTION 8.01. COMMUNITY REDEVELOPMENT TRUST FUND.

(A) Once this Community Redevelopment Plan has been adopted, the County will then establish a Community Redevelopment Trust Fund through an appropriate ordinance. The Community Redevelopment Trust Fund will receive all tax increment money, grants, gifts or revenues generated by redevelopment activities. The Community Redevelopment Trust Fund must remain in place until all indebtedness from redevelopment activities is paid.

(B) Pursuant to the Community Redevleopment Act at Section 163.387, Florida Statutes, such ordinance may be adopted only after the County has approved the Community Redevelopment Plan. The annual funding of the Community Redevelopment Trust Fund will result from additional incremental taxes collected in the Community Redevelopment Area by the County. The increment available will be determined annually in an amount equal to 95% (ninety-five percent) of the difference between:

(1) The amount of ad valorem taxes levied each year by the County, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Community Redevelopment Area; and

(2) 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 the County, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Community Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by the County prior to the effective date of the ordinance providing for the funding of the Community Redevelopment Trust Fund.

(C) Because the County is the only authority obligated to pay increment to the Community Redevelopment Trust Fund, the County and the CRA may agree or otherwise take such actions which result in contributing less than 95% of the difference between the amount refererenced in subsection (B)(1) and (B)(2) of this Section.

SECTION 8.02. SAFEGUARDS, CONTROLS, RESTRICTIONS OR COVENANTS.

(A) All redevelopment activities identified herein will not be initiated until they are found to be consistent with the Comprehensive Plan and applicable land development regulations. In as much as the predominant focus of the redevelopment initiative is on public infrastructure on lands owned by or expected to be, at some point, under the control of the County or CRA, all redevelopment activities will undergo review by the County and CRA.

(B) In order to leverage the tax increment revenues, the County and CRA contemplate the creation and establishment of a community development district which is also authorized by general law to approve non-ad valorem assessments. The imposition of special assessments for capital improvements and essential services is covered by well settled case law and specific statutory provisions authorizing collection of non-ad valorem assessments by a community development district on the same bill as ad valorem taxes. Such provisions require extraordinary notice to all affected property owners.

(C) Issues concerning restrictions on any property acquired for community redevelopment purposes and then returned to use by the private sector will be addressed on a case-by-case basis to ensure that all activities necessary to perpetuate the redevelopment initiative are advanced in a manner consistent with this Community Redevelopment Plan and any amendment hereto. Such restrictions or controls would be expected to be in the form of covenants running with any land sold or leased for private use as provided for in the Community Redevelopment Act at Section 163.380(2), Florida Statutes.

(D) The County and CRA anticipate implementing the redevelopment initiative through the use of a Redevelopment Agreement and an interlocal agreement with a community development district. These agreements are intended to articulate in detail terms and conditions to which a subsequent purchaser will be bound and a

method and means for funding, financing, and delivering infrastructure. The agreements themselves will provide safeguards and controls. As well, this Community Redevelopment Plan anticipates that the County and CRA will dedicate appropriate staff and personnel to work with, monitor and provide performance auditing with regard to performance under such agreements.

SECTION 8.03. CONSISTENCY WITH COUNTY COMPREHENSIVE PLAN.

(A) The Community Redevelopment Plan articulates the vision for the Community Redevelopment Area as a mixed-use community that provides a high quality of land uses in a manner that promotes strong urban design principles and is consistent with the Charlotte County Comprehensive Plan. On January 18, 2005, the Board adopted Ordinance 2005-009 establishing the Murdock Village Mixed Use Redevelopment District in the Charlotte County Comprehensive Plan. The District was amended in January 2008 to include the use of an Equivalency Matrix.

(B) The Objective and Policies that are specifically addressed by the Community Redevelopment Plan include, but are not limited to:

(a) *Objective 2.10 (Created by Ordinance 2005-009) :* To create a mixed-use redevelopment land use classification for the Murdock Village Communtiy Redevelopment Area (MVCRA).

Policy 2.10.1: The following land use classification shall be used to designate property within the Murdock Village Community Redevelopment Area:

Murdock Village Mixed-Use Redevelopment District (MVMURD)

The Murdock Village Mixed-Use Redevelopment District designation will encourage a high-tech, energy efficient and environmentally friendly mix of residential, retail, commercial, medical, office, office showroom, public and educational facilities, recreational and institutional redevelopment. The mixed-use development will focus on creating a vibrant and attractive gathering place for the entire community in the form of a town center; adequate provisions for distinct and interconnected multi-generational neighborhoods; "five minute walk" (the reference to the five minute walk is not intended to be taken literally but to promote easy walkable access) to parks, facilities and services; a pedestrian friendly street network; and, interior greenway and blueway open space linkages that integrate the Redevelopment District with existing County resources.

Policy 2.10.2: The Murdock Village Mixed-Use Redevelopment District land use classification shall allow a combination of residential, commercial, office, research and development, office showroom, hotels, civic, healthcare, public/institutional, educational and parks and open space land uses in order to encourage long term sustainable development. Mobile Homes and industrial uses, except as otherwise provided herein, are prohibited within the MVMURD.

The arrangement and design of streets within the MVMURD shall promote a pedestrian and bicycle friendly environment with an emphasis on comfortable and convenient access to neighborhoods, the Town Center, neighborhood shopping, parks, schools and civic uses. Open space shall constitute no less than 20% of the gross acreage of the MVMURD. As permitted throughout the MVMURD, the term "open space" shall include, but not be limited to: preserve areas, parks (including the existing regional park), both passive and active, pedestrian and cycling systems; and properly designed buffers, lakes, and water bodies.

As a mixed use district, the MVMURD shall allocate a minimum of 50% of the overall net developable land acreage within the district for residential uses and 35% for non-residential uses which calculation shall include residential when included in buildings that contain non-residential uses on at least the ground floor. Net developable land excludes public rights-of-ways, open space and environmentally sensitive areas. Civic, education, and public/institutional land uses and essential public services shall be permitted throughout the MVMURD. Site development standards, locational criteria and design guidelines for all uses shall be developed and adopted by the County as Land Development Regulations for the MVMURD.

The following describes the types of uses which are permitted uses in the Murdock Village Mixed-Use Redevelopment District.

- Neighborhood Residential

- The Murdock Village Mixed-Use Redevelopment District shall include distinct interconnected, multi-generational residential neighborhoods.
- Residential neighborhoods shall feature easy access to a network of open space which may include bicycle/pedestrian facilities, greenways and blueways.
- Assisted Living Facilities shall be permitted within areas designated as Neighborhood Residential.
- Non-residential land use located within areas designated as Neighborhood Residential shall be designed and developed to protect the integrity of the surrounding residential land uses.
- Internal Commercial - Internal Commercial sites shall be a maximum of 4 acres, although the total acreage of all internal commercial shall not exceed 16 acres, and shall only be built within the Neighborhood Residential Land Use District to provide for local daily convenience goods, retail, professional, office showrooms, healthcare, personal and business services.
    - Both single-use and multi-use development sites can be located within Internal Commercial areas.

- Medium to high density residential will be permitted in these areas provided they are located on the upper floors of a mixed use building.
- Multi-use development on the same parcel shall be designed and developed to protect the integrity of the surrounding land uses.

- Town Center
  - A Town Center shall be incorporated into the Murdock Village Mixed-Use Redevelopment District. The Town Center shall be designed as the primary activity center for the community using the mixed-used and pedestrian friendly principles of traditional urban design.
  - The Town Center shall be at a minimum of 80 acres, and shall include a mix of uses including, at a minimum, commercial, office, public, civic and residential uses (single family and/or multi-family) and may also include hotels and assisted living facilities.
  - Multi-use development on the same parcel shall be designed and developed to protect the integrity of the surrounding land uses.

- General Commercial

  General Commercial is intended for activities predominately connected with the sale, rental and distribution of products or

performance of services. Healthcare, hotels, assisted living facilities, and office can also be located within these areas.

- Medium to high density residential shall be permitted in these areas.
- Multi-use development on the same parcel shall be compatible with the surrounding land uses.

- Community Commercial

  Community Commercial is intended to provide for daily and lifestyle needs and services for the residents of Murdock Village, as well as the residents of the general community. Uses may include general retail, offices, professional services, residential, healthcare, assisted living facilities, restaurants, and business services. Community Commercial sites will range in size from 10 to 25 acres, but the total acreage of Community Commercial shall not exceed 35 acres.

- Office Showroom

  Office Showroom is intended for activities that diversify the economic base of the community and are limited to light fabrication, service, printing, storage and packaging uses which do not have nuisance impacts on adjacent uses from dust, odor, noise, vibration, or glare to adjacent uses. Office Showroom shall be designed and developed to protect the integrity of any surrounding residential land uses.

- Light Fabrication is limited to assembly, bio-tech research, and limited warehouse/flex space.

- University/College Campus

  University/College Campus is intended to provide educational and residential opportunities in an urban, rather than a suburban campus. Uses allowed include buildings for academic, administrative, dormitories and support services; parking garages and surface parking lots; and other uses customarily part of a university/college campus.

  - Such campus areas shall be integrated with adjacent uses to facilitate pedestrian access; minimize parking requirements; and to protect the integrity of the surrounding land uses.

Total development within the MVMURD shall be limited to 3,023,882 square feet of commercial uses, 538 multi-family residential units and 2,744 single family residential units, provided that these uses and development totals may be modified in accordance with the Equivalency Matrix, provided in Appendix #1. The following table provides additional development parameters for the primary use areas located within the MVMURD.

1

Land Use Area	Type	Acreage	Maximum Density DU/Acre[1]	Maximum Intensity (FAR)[2]
Neighborhood Residential Internal Commercial	Single Family Multi-family Non-residential	300 to 475 acres 4 to 16 acres	3-6 6-15	2.0
Town Center	Residential Non-residential	80 to 250 acres	Up to 24	3.0
Community Commercial	Residential Non-residential	10 to 35 acres	6-15	3.0
General Commercial	Residential Non-residential	40 to 69 acres	Up to 15	3.0
Office Showroom	Non-Residential.	0 to 40 acres	N/A	2.0
University/College Campus	Non-Residential	0 to 55 acres	N/A	4.0[3]
Primary and Secondary Education Facilities	Non-residential	0 to 35 acres	N/A	4.0

2 [1]Density calculations apply to residential land uses. Residential is not required in
3 Internal, Community or General Commercial land use categories. To promote a mixed use district,

density and floor area ratio will be calculated independently. (For example, one acre site with an allowable density of 15 units per acre and non residential floor area ratio of 2.0 would be allowed 15 units and 87,120 square feet of non residential uses.)

[2]Floor Area Ratio represents the maximum building area for a land use, stated as a ratio of square feet of floor area of a building to the square feet of land area of the property for which the FAR calculation is being determined.

[3]Dormitory units associated with a university/college campus are calculated based on floor area ratio. A university which is governed by Sec 1013.30 F.S., is subject to the requirement to adopt a Campus Master Plan and enter into an interlocal agreement with the local government to address its impacts and is therefore, not subject to the maximum development amounts permitted within the MVMURD, i.e., development amounts which are established under an approved Campus Master Plan and interlocal agreement shall not be considered as being derived from development totals allowed within the MVMURD, notwithstanding that it may be located within the boundaries of the MVMURD.

Policy 2.10.3: The transportation component for the Murdock Village Mixed-Use Redevelopment District shall focus both on vehicular and pedestrian traffic. By providing a proper mix of land uses and transportation options, a substantial portion of the trips for residents and employees of the District should be satisfied within the development itself. A comprehensive bicycle and pedestrian facilities plan will be prepared by January 1, 2009 to address access, connectivity and mobility. This plan will be incorporated into the Charlotte County MPO Bicycle Pedestrian Plan.

Policy 2.10.4: The close proximity of the District to major arterials, Tamiami Trail (US 41) and El Jobean Road (SR 776) will enable the creation of a new network of connecting roads, with gateways into the Murdock Village Mixed-Use Redevelopment District. In order to facilitate emergency evacuation, north-south gateways and an east-west connector will be incorporated into the MVMURD transportation design..

Policy 2.10.5: Murdock Village Mixed-Use Redevelopment District may include a maximum of 35 acres available for development as a public primary or secondary school or other educational facility. Schools of higher education, including universities/colleges and vocational schools are not included in the acreage limitation set forth above.

Policy 2.10.6: Future determinations shall be made regarding the need to locate public facilities such as sheriff substations, fire stations, government offices and other public services within the Murdock Village Mixed-Use Redevelopment District.

SECTION 8.04. CONCLUSION. This Community Redevelopment Plan provides a framework for clearance, rehabilitation, conservation and redevelopment of the Community Redevelopment Area as an attractive, inviting, easily accessible and economically successful mixed-use village that promotes a positive image and identity for the entire County community. This Community Redevelopment Plan deliberately and reasonably addresses the blighted area conditions observed and finding of necessity determinations made, ratified, and confirmed by the Board. To realize the redevelopment vision of this Community Redevelopment Plan, community leaders, business persons and residents alike are encouraged to support the redevelopment objectives and continue to do so over time and changing administrations so that the vision is successfully implemented and transcends into reality.

APPENDIX A

RESOLUTION 2003-81

(XRER Res 2003-073, 2003-031, 2003-032 + Agr 2003-032)

RESOLUTION
NUMBER 2003-081

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, DESIGNATING A COMMUNITY REDEVELOPMENT AREA IN THE MURDOCK VILLAGE AREA OF CHARLOTTE COUNTY, FLORIDA; DETERMINING SUCH REDEVELOPMENT AREA TO BE A "BLIGHTED AREA" AS PROVIDED FOR IN SECTION 163.340, FLORIDA STATUTES; FINDING A NEED FOR AND ESTABLISHING A COMMUNITY REDEVELOPMENT AGENCY; DECLARING THE BOARD OF COUNTY COMMISSIONERS EX OFFICIO THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF AN APPLICABLE COMMUNITY REDEVELOPMENT PLAN AND COMMUNITY REDEVELOPMENT TRUST FUND ORDINANCE; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF A REDEVELOPMENT STRATEGY TO ATTRACT COOPERATIVE AND QUALIFIED REDEVELOPMENT PARTNERS; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Findings. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act") provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas is a matter of state policy and state concern.

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of

Minutes

conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) On May 13, 2003, the Board of County Commissioners (the "Board") of Charlotte County (the "County") adopted Resolution Number 2003-073 which authorized and directed the use of consulting expertise for the purpose of identifying and analyzing a specific area of land within the unincorporated area of the County (the "Redevelopment Area") and investigating evidence of slum or blight therein.

(E) On May 12, 2003, both mailed and published notice was provided to all taxing authorities with the power to impose taxes within the Redevelopment Area, together with published notice that the Board would conduct a public hearing and consider this resolution. The provision of such notices was confirmed and ratified by Resolution 2003-073. The County Administrator has provided proof of such notice by affidavit which includes proof of all such mailed notices and proof of publication.

(F) In addition to being knowledgeable about conditions in Charlotte County and the Redevelopment Area, the Board has considered both staff, expert opinion, and public comment and input in addition to the data and analysis contained in the West Murdock Redevelopment Study Area Finding of Necessity Report, dated May, 2003, prepared and presented by Real Estate Research Consultants.

(G) The Board hereby finds there is a need to identify and designate the Redevelopment Area as a Community Redevelopment Area (as such term is defined in the

Act) to effect and carry out community redevelopment purposes and projects within the County.

(H) The Board desires to exercise the authority conferred upon the County by the Act to determine and agree by resolution that one or more slum or blighted areas exist within the County and particularly within the Redevelopment Area described in Exhibit A attached hereto and incorporated herein.

(I) Within the Redevelopment Area there exist:

(1) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Aggregate accessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(4) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(5) Unsanitary or unsafe conditions;

(6) Deterioration of site or other improvements;

(7) Inadequate and outdated building density patterns; and

(8) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

(J) The Board hereby finds that a blighted area exists within the Redevelopment Area and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the County.

(K) The Board further finds that there is a need for a Community Redevelopment Agency to function in the County to carry out the community redevelopment provisions of the Act.

(L) It is the intent of the County to initiate redevelopment within the Redevelopment Area through creation of a Community Redevelopment Agency, Community Redevelopment Plan, and Community Redevelopment Trust Fund.

Section 2. Designation of Community Redevelopment Area. The Board hereby agrees and determines the Redevelopment Area, as depicted in Exhibit A attached hereto, to be a "blighted area" within the meaning of the Act and designates such area as appropriate for community redevelopment.

Section 3. Creation of the Murdock Village Community Redevelopment Agency.

(A) The Murdock Village Community Redevelopment Agency (the "CRA") is hereby created and established pursuant to Section 163.356, Florida Statutes. The CRA is constituted as a public instrumentality, and the exercise by the CRA of the powers

conferred by the Act shall be deemed and held to be the performance of an essential public function.

(B) Pursuant to Section 163.357, Florida Statutes, the Board hereby declares itself the governing body of the CRA. The Chairman and Vice Chairman of the County shall serve respectively as the Chairman and Vice Chairman of the CRA. A vacancy occurring during a term shall be filled in the same manner as provided for respectively filling a vacancy in the term of the Chairman, Vice Chairman, or other members of the Board. Coterminous with employment by the County, the County Administrator, County Clerk, and County Attorney or any special counsel to the County shall also serve respectively as the executive director, clerk, and general counsel or special counsel for the CRA.

Section 4. Powers. The CRA is authorized to exercise all of the powers conferred by the Act which are necessary and convenient to carry out and effectuate the purposes of community redevelopment and related activities within the County.

Section 5. Authority and Direction to Develop a Community Redevelopment Plan, Prepare a Community Redevelopment Trust Fund Ordinance, and Develop Redevelopment Strategy for Presentation to CRA. The CRA and its executive director, clerk, and counsel are authorized and directed to expeditiously proceed to timely develop, create, and seek comment upon (1) a community redevelopment plan, (2) a community redevelopment trust fund ordinance, (3) a strategy to attract more than one cooperative and qualified potential redevelopment partner, (4) a proposed process for redevelopment which will both expedite any redevelopment initiative and maximize County control in order

to assure that redevelopment actually occurs, and (5) a redevelopment initiative critical events timeline or schedule, all for consideration by the Board.

Section 6. Effect of Adoption of Resolution.

(A) The adoption of this Resolution shall be liberally construed to (1) comply with the adoption of findings of necessity required by Section 163.355, Florida Statutes, (2) create a community redevelopment agency pursuant to Sections 163.356 and 163.357, Florida Statutes, and (3) specifically document by resolution that the Board has agreed and determined the Redevelopment Area to be a "blighted area" within the meaning of the Act, and designate such area as appropriate for community redevelopment.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the County inconsistent with the provisions of this Resolution are hereby modified, supplemented, and amended to conform with the provisions herein contained.

Section 7. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By _____
Matthew D. DeBoer, Chair

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
Renée Francis Lee, County Attorney

p:\wpdata\public\jg\res\wmurdockcra.2/LR2003-192/052003

EXHIBIT A

REDEVELOPMENT AREA

EXHIBIT A

Description of the Community Redevelopment Area
Located in the Unincorporated West Murdock Area of Charlotte County, Florida

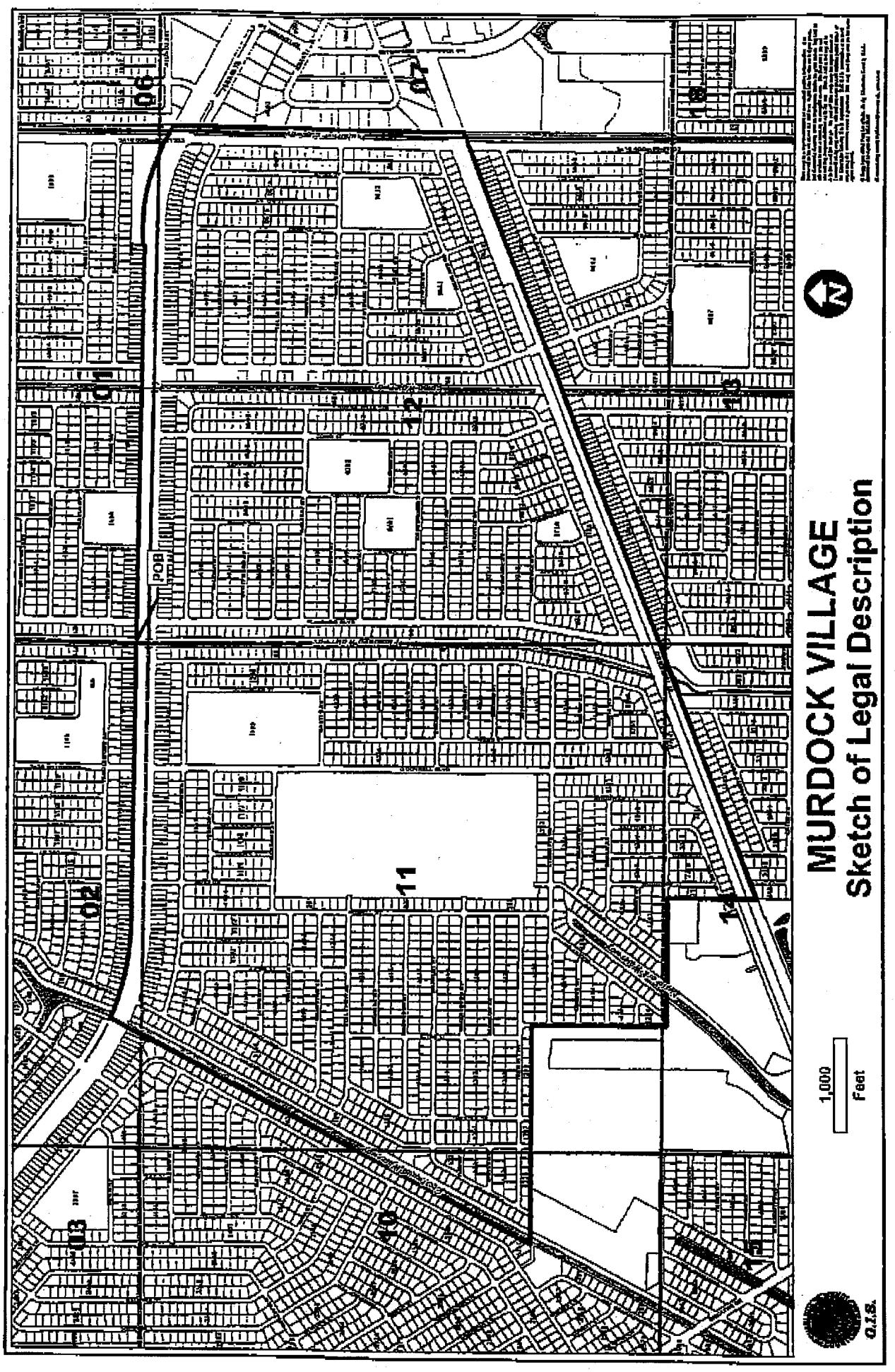
An area lying in Section 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East, Charlotte County, Florida being more particularly described as follows:

Commencing at the Southeast section corner of Section 2, Township 40 South, Range 21 East; thence run north along the east section line of section 2 to the north right-of-way line of State Road 45 (200'- 255' ROW) (aka – U.S. 41 and Tamiami Trail) and the Point of Beginning:

From said Point of Beginning; thence run west and northwest along the north right-of-way line of State Road 45 (200' to 255' ROW) (aka – U.S. 41 and Tamiami Trail) to the west right-of-way line of the Crestwood Waterway (125' ROW); thence southwest along the west right-of-way line of the Crestwood Waterway to the extension of the south lot line of Tract H of Block1187, Port Charlotte Subdivision Section 35 as recorded in Plat Book 5, Page 39 of the Official Records of Charlotte County, Florida, said line is also the south line of said subdivision; thence east along the south line of blocks 1187, 1226, 1247 & 1214 of said subdivision to the center line of the right-of-way of Orlando Street (50' ROW) (renamed Orchard Street), thence south along the centerline of Orchard Street to the intersection of the south right-of-way line of Jolan Avenue (50') (renamed Jenks Drive); thence east along the south right-of-way of Jenks Drive to the extension of the east line of Block 3317 of Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57 of the Official Records of Charlotte County, Florida; thence south along the west line of said block extended to the intersection of said line with the south right-of-way line of State Road 776, (200' ROW), thence northeast along the south right-of-way of State Road 776 to the intersection with the east right-of-way line of the Auburn Waterway, (100'ROW); thence north along the east right-of-way of the Auburn Waterway to the intersection with the north right-of-way line of State Road 45 (200'- 255' ROW) (aka U.S. 41 and Tamiami Trail); thence northwest and west along said right-of-way to the Point of Beginning. Containing 1,197.8 Acres+/-

The Basis of Bearing of the description above is the east line of Section 2, Township 40 South, Range 21 East, in Port Charlotte Subdivision Section 30, as recorded in Plat Book 5 Page 23 of the Official Records of Charlotte County, Florida

A map of the legal description is attached hereto for illustrative purposes only.


MURDOCK VILLAGE
Sketch of Legal Description
1,000
Feet
POB
06
07
01
12
02
11
03
10
G.I.S.

APPENDIX B

RESOLUTION 2003-82

(Res 2003-073, 2003-081, 2003-082 + Ord 2003-032)

CM
Bcc

RESOLUTION
NUMBER 2003-082

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AND EX-OFFICIO AS THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY, CONFIRMING AND DETERMINING IN CONFORMANCE WITH SECTION 163.340(8), FLORIDA STATUTES, THAT THE COMMUNITY REDEVELOPMENT AREA LOCATED IN THE MURDOCK VILLAGE AREA OF CHARLOTTE COUNTY, FLORIDA, IS BLIGHTED; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Findings. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act") provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas are a matter of state policy and state concern.

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) On even date herewith, the Board of County Commissioners (the "Board") of Charlotte County (the "County") adopted Resolution Number 2003-081 which

Minutes

designated a community redevelopment area in the Murdock Village area of the County (the "Redevelopment Area"), determined such Redevelopment Area to be a "blighted" area as provided for in Section 163.340, Florida Statutes, and established the Murdock Village Community Redevelopment Agency (the "Agency").

(E) The County is the only taxing authority (as such term is used in the Act) within the Redevelopment Area which is subject to the provisions of Section 163.387(2)(a), Florida Statutes.

(F) In order to comply with the last paragraph of Section 163.340(8), Florida Statutes, the Board desires to separately resolve that the Redevelopment Area is blighted and to direct and authorize entering into an interlocal agreement between the Board and the Agency which also confirms and agrees that the area is blighted.

Section 2. Determination of Blight. Within the Redevelopment Area, it is hereby determined that there exist:

(A) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(B) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(C) Aggregate accessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(D) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(E) Unsanitary or unsafe conditions;

(F) Deterioration of site or other improvements;

(G) Inadequate and outdated building density patterns; and

(H) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

Section 3. Effect of Adoption of Resolution.

(A) The adoption of this Resolution shall be liberally construed to comply with the provisions of the last paragraph of Section 163.304(8), Florida Statutes, and to specifically document by separate resolution that the Board has determined the Redevelopment Area to be blighted.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the County inconsistent with the provisions of this Resolution are hereby modified, supplemented, and amended to conform with the provisions herein contained.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA, AND
EX-OFFICIO AS THE MURDOCK VILLAGE
COMMUNITY REDEVELOPMENT AGENCY

By _____
Matthew D. DeBoer, Chair

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners
and to the Murdock Village Community
Redevelopment Agency

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
Renée Francis Lee, County Attorney and
Ex-officio General Counsel to the Murdock
Village Community Redevelopment Agency

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APPENDIX C

INTERLOCAL AGREEMENT BETWEEN COUNTY AND CRA

(XREF Res 2003-031, Ord 2003-033, 2003-032 + Agr 2003-032)

Agr 2003-032

Chg 12/2/C

INTERLOCAL AGREEMENT

This Interlocal Agreement is made by and between Charlotte County, Florida, a political subdivision of the State of Florida (the "County"), and the Murdock Village Community Redevelopment Agency, a public body corporate and politic (the "Agency").

WITNESSETH:

NOW THEREFORE, in consideration of the mutual covenants of this Agreement, the County and the Agency agree as follows:

Section 1. Authority. This Agreement is entered into pursuant to the provisions of Chapter 163, Part I and Part III, Florida Statutes, and other applicable provisions of law, and relates to an area of land within the unincorporated area of the County described in Exhibit A attached hereto and incorporated herein by reference (the "Redevelopment Area").

Section 2. Findings. It is hereby ascertained, determined and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act"), provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas is a matter of state policy and state concern.

Minutes

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) In addition to being knowledgeable about conditions in Charlotte County and the Redevelopment Area, the Board of County Commissioners of the County (the "Board") has considered both staff and public comment and input in addition to the data and analysis contained in the West Murdock Redevelopment Study Area Finding of Necessity Report, dated May 2003, prepared and presented to the Board by Real Estate Research Consultants.

(E) Pursuant to Resolution No. 2003-081 adopted May 27, 2003, the County identified and designated a community redevelopment area (the "Redevelopment Area"), determined that within the Redevelopment Area there exist several of the factors identified in Section 163.340(8), Florida Statutes, and created and established the Agency pursuant to Section 163.356, Florida Statutes.

(F) Specifically, the County and the Agency hereby agree, find, ratify and confirm that the following factors are present within the Redevelopment Area:

(1) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that

such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(4) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(5) Unsanitary or unsafe conditions;

(6) Deterioration of site or other improvements;

(7) Inadequate and outdated building density patterns; and

(8) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

(G) The Board and the Agency hereby find and determine the Redevelopment Area constitutes a "blighted area" (as such term is defined in the Act), and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the citizens of the County.

Section 3. Agreement that Redevelopment Area is a Blighted Area.

(A) The County is the only taxing authority (as such term is used in the Act) within the Redevelopment Area which is subject to the provisions of Section 163.387(2)(a), Florida Statutes.

(B) Pursuant to Section 163.340(8), Florida Statutes, the County and the Agency have determined that one or more of the factors identified in Section 163.340(8)(a) through (n), Florida Statutes, are present in the Redevelopment Area and hereby agree, ratify and confirm that the Redevelopment Area is a blighted area.

Section 4. Interlocal Agreement: Filing Provisions. This Agreement shall be deemed to be an "interlocal agreement" within the meaning of the Florida Interlocal Cooperation Act of 1969, as amended. This Agreement shall be immediately filed in the Official Records of Charlotte County, Florida.

Section 5. Effective Date. This Interlocal Agreement shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th of May 2003.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chair

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk to the
Board of County Commissioners

By Diane L. Rice
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renée Francis Lee, County Attorney

MURDOCK VILLAGE COMMUNITY
REDEVELOPMENT AGENCY

By: _____
Bruce D. Loucks, Executive Director

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk of the
Agency

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renée Francis Lee, as ex-officio General
Counsel of the Agency

EXHIBIT A

REDEVELOPMENT AREA

Description of the Community Redevelopment Area
Located in the Unincorporated Murdock Village Area of Charlotte County, Florida

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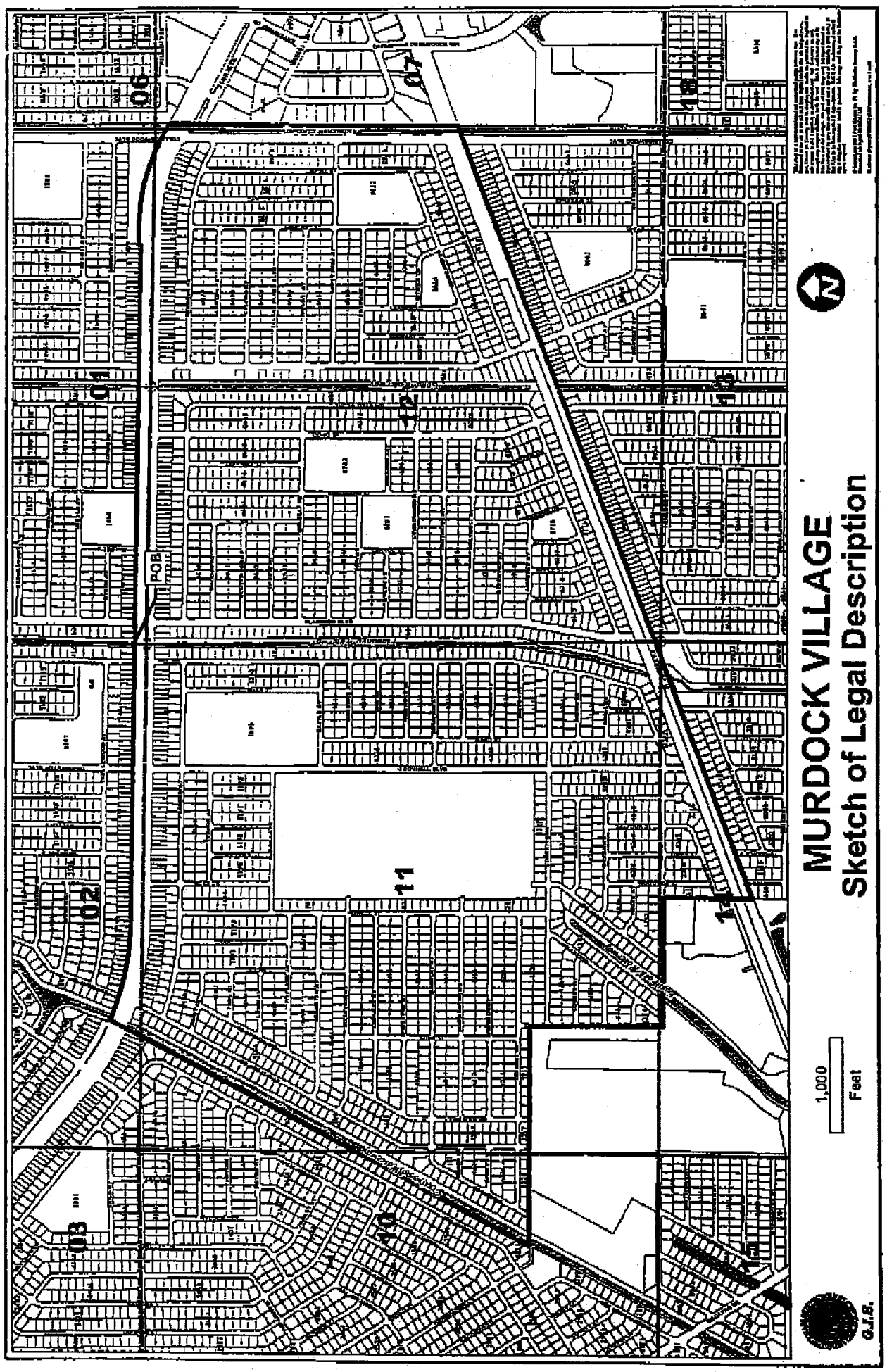
From said Point of Beginning; thence run west and northwest along the north right-of-way line of State Road 45 (200' to 255' ROW) (aka – U.S. 41 and Tamiami Trail) to the west right-of-way line of the Crestwood Waterway (125' ROW); thence southwest along the west right-of-way line of the Crestwood Waterway to the extension of the south lot line of Tract H of Block1187, Port Charlotte Subdivision Section 35 as recorded in Plat Book 5, Page 39 of the Official Records of Charlotte County, Florida, said line is also the south line of said subdivision; thence east along the south line of blocks 1187, 1226, 1247 & 1214 of said subdivision to the center line of the right-of-way of Orlando Street (50' ROW) (renamed Orchard Street), thence south along the centerline of Orchard Street to the intersection of the south right-of-way line of Jolan Avenue (50') (renamed Jenks Drive); thence east along the south right-of-way of Jenks Drive to the extension of the east line of Block 3317 of Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57 of the Official Records of Charlotte County, Florida; thence south along the west line of said block extended to the intersection of said line with the south right-of-way line of State Road 776, (200' ROW), thence northeast along the south right-of-way of State Road 776 to the intersection with the east right-of-way line of the Auburn Waterway, (100'ROW); thence north along the east right-of-way of the Auburn Waterway to the intersection with the north right-of-way line of State Road 45 (200'-255' ROW) (aka U.S. 41 and Tamiami Trail); thence northwest and west along said right-of-way to the Point of Beginning. Containing 1,197.8 Acres+/-

The Basis of Bearing of the description above is the east line of Section 2, Township 40 South, Range 21 East, in Port Charlotte Subdivision Section 30, as recorded in Plat Book 5 Page 23 of the Official Records of Charlotte County, Florida.

A map of the legal description is attached hereto for illustrative purposes only.


MURDOCK VILLAGE
Sketch of Legal Description
1,000
Feet
POB
G.I.S.

APPENDIX D

FINDING OF NECESSITY REPORT

W E S T M U R D O C K
Redevelopment Study Area

Finding of Necessity Report

May 2003

Real Estate RESEARCH
CONSULTANTS

TABLE OF CONTENTS

	Page
1. Introduction	1
2. Physical Environment Inventory	8
3. Real Estate Development and Investment Activity	22
4. Criteria for Determining Blight	24
5. Conclusion: Redevelopment Study Area Blight Factors	30
6. Next Steps: Community Redevelopment Plan and Trust Fund	31

Figures:

1. Existing Land Use Map	11
2. Zoning Map	12
3. Future Land Use Map	13

1. Overview and Purpose

The purpose of this analysis is to provide data that documents blight, as defined in Section 163, Part III, Florida Statutes (F.S.) (the "Redevelopment Act") within the West Murdock redevelopment study area in Charlotte County, Florida (the "Redevelopment Study Area") as defined herein.

1.1. Introduction

This analysis will focus on the land-based resources of the Redevelopment Study Area and its ability to generate economic return and local tax revenues. As a general matter, resources that are in a state of physical decline, are underutilized, or are improperly deployed, limit a local jurisdiction's ability to remain competitive in a larger economic context, ultimately affecting its financial condition and its level of services. Local governments highly dependent upon ad valorem revenues are the most vulnerable in these situations. Real property assets that are physically or functionally deteriorated or that do not meet contemporary or competitive development requirements are constrained in their ability to generate these kinds of taxes. As such, their physical character and utility, along with the services required to sustain them, are key factors in determining a community's economic health.

This analysis relies substantially on tax roll data acquired from Charlotte County officials, interpretations of County or staff supplied data, visual inspections of properties and County prepared maps. While the County's tax roll data is assumed to be reliable, we cannot fully opine on its accuracy. Because of the data's purpose and official application, we believe that any errors that may exist are relatively inconsequential.

1.2. Objectives and Purposes of the Redevelopment Act

The purpose of the Redevelopment Act is to assist local governments in preventing and/or eliminating blighted conditions detrimental to the sustainability of economically and socially vibrant communities or areas. The following paragraphs describe those blighting conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for implementing policy and programs.

- *Section 163.335(1), F.S. …[blighted areas] constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers*

of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

- *Section 163.335(2), F.S. …certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of the property in such areas.*

- *Section 163.335(3), F.S. …powers conferred by this part are for public uses and purposes which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.*

- *Section 163.335(5), F.S. …the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.*

- *Section 163.335(6,) F.S. …there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such conditions is a proper matter of state policy and state concern is for a valid and desirable purpose.*

Under the Redevelopment Act, if an area is found to be blighted, a resolution must be adopted by the local governing body finding that there are blighted conditions within the defined study area, and that the repair, rehabilitation, and/or redevelopment of such areas is in the interest of public health, safety, and welfare. If an area is found to have blighted conditions, the next step is to establish a Community Redevelopment Agency (CRA) or use an existing CRA of the County. The CRA, as the legal unit acting for Charlotte County, would direct the preparation of the community redevelopment plan for that area described in the "Finding of Necessity Resolution". The community redevelopment plan must provide physical information on the redevelopment area and identify potential project types that can diminish or eradicate the specified blighted conditions.

Under the Redevelopment Act, a redevelopment plan is subjected to a compliance review conducted by the local planning agency (LPA) before it can be submitted to the County Commission for approval. The LPA has up to 60 days to review the redevelopment plan as to its conformity with the County's comprehensive plan for the development of the County as a whole and provide comments to the CRA. After receiving recommendations from the LPA, the local governing body shall hold a public hearing on the approval of a community redevelopment plan after public notice in a newspaper having a general circulation in the area of operation of the community redevelopment area.

The next step under the Redevelopment Act is the creation of a redevelopment trust fund, established by ordinance and adopted by the County Commission, the governing body that created the CRA. The most recent certified real property tax roll prior to the effective date of the ordinance will be used to establish the tax base (the "Base Year") within the redevelopment area in order to calculate the tax increment. In the present case, the assumed timetable to move forward suggests that the calculation of the tax increment will rely upon the 2002 certified rolls.

After putting in place the redevelopment architecture described above, the CRA will become funded upon the availability of tax increment revenues. Tax increment revenues become available as the result of increased property assessments associated with new development and redevelopment within the redevelopment area beyond those of the Base Year. Funds allocated to and deposited into the trust account are used by the CRA to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

Before the governing body can adopt any resolution or enact any ordinance to create a community redevelopment agency, approve a community redevelopment plan or establish a redevelopment trust fund, the governing body must provide public notice of proposed actions to each taxing authority which has the power to levy ad valorem taxes within the redevelopment area boundaries. Such notice alerts these taxing authorities to any possible changes in their budgets as a result of a redevelopment action. As a policy matter, it is assumed that the following entities with ties to the activities of Charlotte County government will receive notice of any actions stemming from either this analysis or subsequent initiatives should they be authorized under the terms of the Redevelopment Act.

Charlotte County Public Schools
1445 Education Way
Port Charlotte, FL 33948

Southwest Florida Water Management District
2379 Broad St.
Brooksville, FL 34604

West Coast Inland Navigation District
P.O. Box 1845
Venice, FL 34284

Charlotte County Public Works
Lighting District
7000 Florida St.
Punta Gorda, FL 33950

Public Safety
Finance Department
18500 Murdock Circle
Port Charlotte, FL 33948

Peace River
Southwest Florida Water Management District
Sonja Grant
P.O. Box 1166
Brooksville, FL. 34605-1166

In the case of the Redevelopment Study Area, the County is the *only* taxing authority with some financial interest in the implementation of a formalized redevelopment process. Other entities, including at least those listed above, that also may exercise certain jurisdiction or control within the same legal boundaries defined for this study will not, as a matter of law or policy of the County, experience any diminution in their ad valorem revenues stemming from a resolution that defines or finds blight as described herein. These entities are, in fact, likely to experience an increase in their revenues over time as the result of such action.

1.3. Declarations and Process

Determining if blight conditions exist within the study area is an initial step in ascertaining an area's appropriateness as a community redevelopment area. This analysis documenting the extent of blight conditions and analysis in support of that documentation is referred to herein as the "Report"

This Report describes the physical, economic, and regulatory conditions within the community redevelopment study area that are associated with blight or its causes and discusses the need for a community redevelopment area. RERC staff, working

with County staff, inspected the redevelopment study area and prepared this Report and the analysis contained

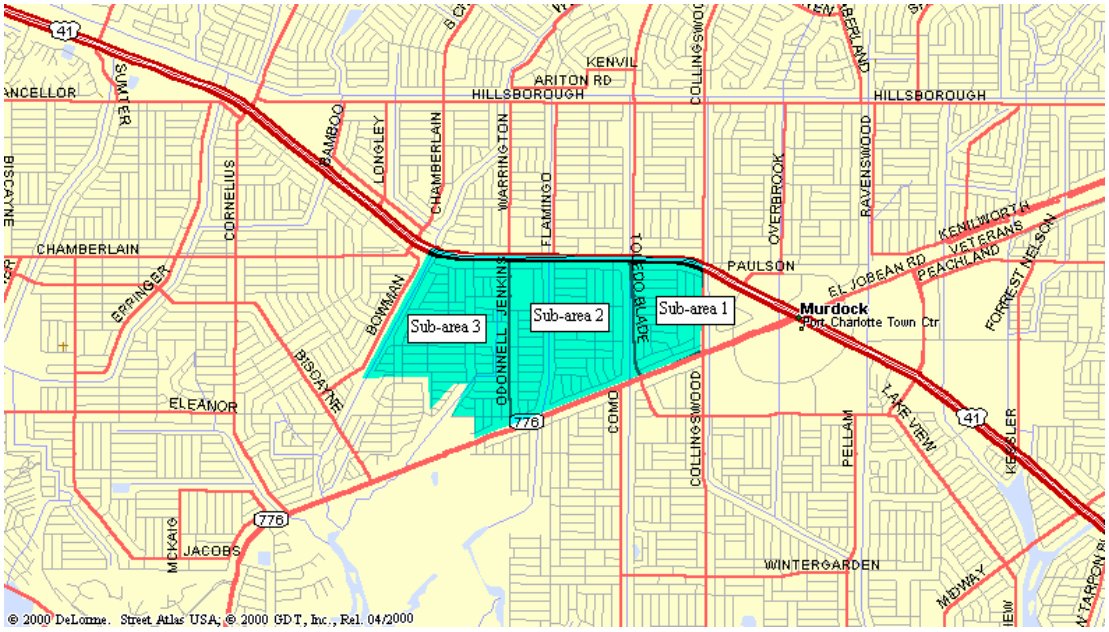
1.4. Integrity of the Redevelopment Study Area

The analysis in this Report is confined to a specific geographic area of approximately 1,100 acres, defined primarily by its relationship to Tamiami Trail (US 41) and El Jobean Road (SR 776) (the "Redevelopment Study Area"). The Redevelopment Study Area is effectively comprised of three smaller areas or neighborhoods. These three areas identified as sub-area 1, sub-area 2, and sub-area 3. Although adjacent, these sub-areas are not physically connected and rely upon US 41 and SR 776 for both regional access and intra-neighborhood access. Together, these three sub-areas are characterized by their small plats, diversity of ownership, largely deteriorated or non-existent infrastructure, and relatively low land value. Since the plats were recorded several decades ago, these properties have remained almost totally undeveloped.

The Redevelopment Study Area is located entirely within the jurisdiction and control of unincorporated Charlotte County and is generally contained within the boundaries created by SR 776 on the south; Stratford Drive on the west; US 41 on the north; and Collingswood Boulevard on the east. The main roads that service the study area are Toledo Blade Boulevard, Flamingo Boulevard, and O'Donnell Boulevard, which are all north south roads. Because the 1,100 acres are divided by two major canals, there are no local roads within the study area itself that physically allow an east-west connection. The physical configuration of the larger neighborhood actually suggests three smaller areas or enclaves that are both adjacent but separated at the same time.

Presently, zoning within the West Murdock study area allows a mix of general land uses that include commercial, office, medical or institutional, single family residential and multi-family residential. The latter classification allows for intensities as high as 10 units per acre while the single-family classification calls for 3.5 units per acre. Future land uses are expected to be less intensely developed, and the official map describes the portions of the study area now identified as high density residential as medium density residential. For the most part, more intense residential uses are confined to Sub-area 3. Without regard to current or expected land use, the area is uniformly platted in extremely small lots, with some 800 acres remaining unimproved at this time. As the property is now configured, the higher density designations lie exclusively in the eastern one-third of the study area, called for purposes of this analysis Sub-area 1.

Map 1.0 Redevelopment Study Area



Note: Study Area boundary is for illustrative purposes only.

Having identified the Redevelopment Study Area as a relatively unified and homogenous area, we considered the specific conditions that constitute blight as listed in the Redevelopment Act. The following conditions are identified by the Florida Legislature in the Redevelopment Act as being indicative of blight:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
(d) Unsanitary or unsafe conditions;
(e) Deterioration of site or other improvements;
(f) Inadequate and outdated building density patterns;
(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
(h) Tax or special assessment delinquency exceeding the fair value of the land;
(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
(j) Incidence of crime in the area higher than in the remainder of the county or municipality;
(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity. *See* Section 163.340(8), F.S.

As this Report documents, at least seven of these conditions of blight exist in the West Murdock study area and are a detriment to its longer-term vitality and sustainability.

1.5. Historical Perspective

Although Charlotte County has a rich historical heritage that connects it to the travels of Ponce de Leon, its recent past identifies the area as among the state's largest concentrations of platted but undeveloped or unimproved lots. These are typically substandard properties without adequate infrastructure or access to many public services. To the degree the deficiencies appear only aesthetic in the short term, they are likely to preclude orderly development over time and are incapable of accommodating the intensity of development activity for which they were originally platted.

The character of these lots reflects Florida's boom and bust real estate cycles that encouraged financially irresponsible land speculation, usually in conjunction with habitat destruction, poor design, and inadequate infrastructure. Aggressive sales techniques and occasionally malfeasant, if not overtly fraudulent, practices opened Florida real estate and the prospect of increasing land values to virtually everybody in the United States. Such land development and sales practices continued almost unabated throughout the middle part of this century when court and legislative action injected some control and oversight.

The remnants of relatively unrestricted development remain behind for Florida's contemporary local and county jurisdictions to monitor and to correct. Even today, almost 40 years after the Redevelopment Study Area was developed and initially sold, fewer than 40 acres support residential or commercial structures. An additional 28 acres have been used by churches and utilities. Public lands and parks consume another 117 acres, leaving almost 800 acres of land undeveloped and underutilized. The virtual absence of development activity in the Redevelopment Study Area, given its proximity to one of the region's largest concentrations of commercial activity, points to the materially unsatisfactory conditions within the study area. In the five years ending in 2002, the population of Charlotte County grew by some 15,000 people. During this period, there were an average of some 2,000 housing units produced each year. As this pace of development has occurred throughout the County, fewer than 80 homes have been built in the Redevelopment Study Area. For the five-year period, 1996 to 2000, there were almost 2,000,000 square feet of commercial buildings placed in service in Charlotte County. To date, there have been about 20-25 commercial structures built in the Redevelopment Study Area.

2. Physical Environment Inventory

This section of the report documents the area's natural features, existing land uses, transportation systems, utilities infrastructure, and visual character of buildings and sites that could influence development or utilization of land based assets.

2.1. Natural Environment and Features

The Redevelopment Study Area watershed can be characterized as flat, piney woods/palmetto, with poorly drained soils according to the Soil Survey of Charlotte County, Florida prepared by the United States Department of Agriculture. These soil conditions give rise to ponding and other drainage difficulties. An open system of canals and spillways was designed to mitigate these problems but instead serve primarily to divide the larger property into the aforementioned three smaller and separate neighborhood sub-areas.

Photographs of existing natural environment

County staff reports there are no significant wetland systems within the Redevelopment Study Area but the pattern of platting and development evident here are known in other settings to have disturbed lands that might ordinarily be determined to be wet and jurisdictional. It is important to observe that a detailed environmental assessment will likely be necessary to completely inventory the area's physical conditions and make a determination in sufficient detail whether disturbed systems exist. Such a determination will be needed to secure any entitlements that might normally be associated with these holdings as they are redeveloped, and the effort to document these conditions will be a material undertaking.

<u>Finding:</u>

Without regard to the possibility that jurisdictional wetlands may have been damaged or destroyed, suggesting material cost to arrest or correct, the area's soil conditions create ponding conditions that are no longer acceptable in contemporary residential communities. Such ponding would be addressed in today's design standards by designating specific catchment areas and through a more sophisticated treatment of spillways and land design features. Clearly, these more aggressive solutions are not in place in the present 1,100 acre development scheme.

2.2. Existing Land Use

The existing land use inventory provides more perspective regarding the pattern of development activity within the Redevelopment study area, the inventory of existing land uses under current zoning regulations, compatibility of nearby uses, and the impact of uses that may assist or deter development activity.

Although poorly developed, the West Murdock study area is not an area of open land. The intensity of plats and the character of existing structures impart a distinct pattern of development that would only be reinforced over time without aggressive intervention.

Generally, the County has viewed the West Murdock Study Area as principally a residential area. Although some lands in the West Murdock study area are publicly owned, the current zoning could accommodate some 4,900 housing units on a total of about 1,100 acres. These residential uses and densities are complemented by various commercial, office and institutional uses that are largely sited around the perimeter of the property along major arterials.

To date, there are approximately 80 single-family homes that exist in the study area along with a modest inventory of allowable non-residential activities.

Photographs of existing residential properties

Many of the individual non-residential properties are located directly proximate to the residential uses with no attempt to establish buffer or transitional zones. For the residential properties located immediately adjacent to non-residential properties, this kind of placement and configuration heightens the need for regulatory controls to assure that commercial uses do not infringe on residential character. Typically, the placement of non-neighborhood commercial activities in such close proximity to residential neighborhoods results in increased complaints of noise, traffic, trespass, and code enforcement.

Evaluated strictly in physical terms, the practice of siting a series of disconnected commercial activities on relatively small lots is no longer an acceptable approach to development. Further, the concentration of moderate and high-density residential development across the eastern one-third of the property is also undesirable, given the typical lot size and configuration.

The commercial sites are generally of marginal quality. While some owners of these commercial properties have done well to mitigate the visual effects of a parking lot with landscaping and other buffering, others have not attempted to buffer their parking lots and commercial buildings from the residential areas.

Photographs of typical commercial properties

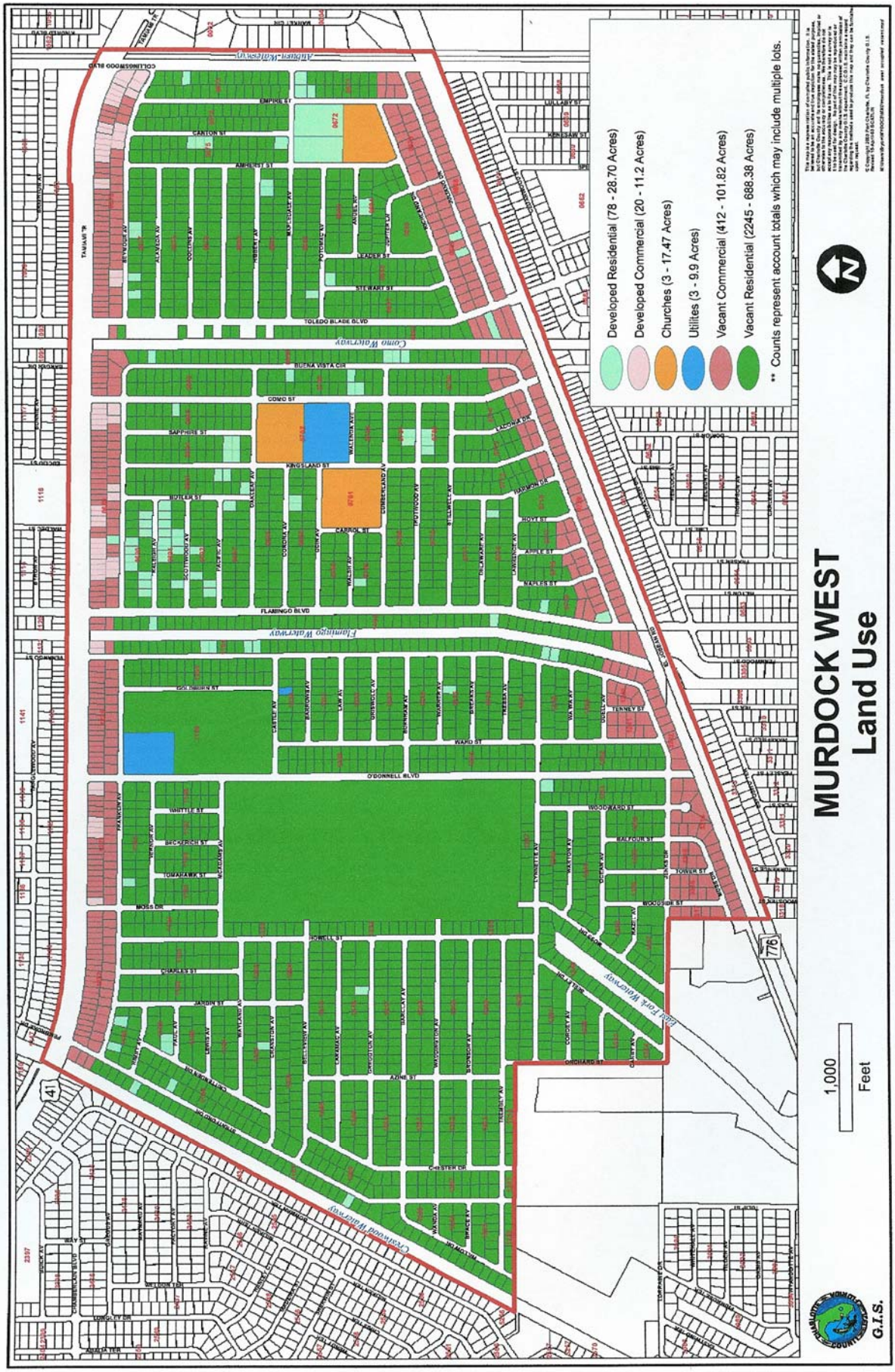
Finding:

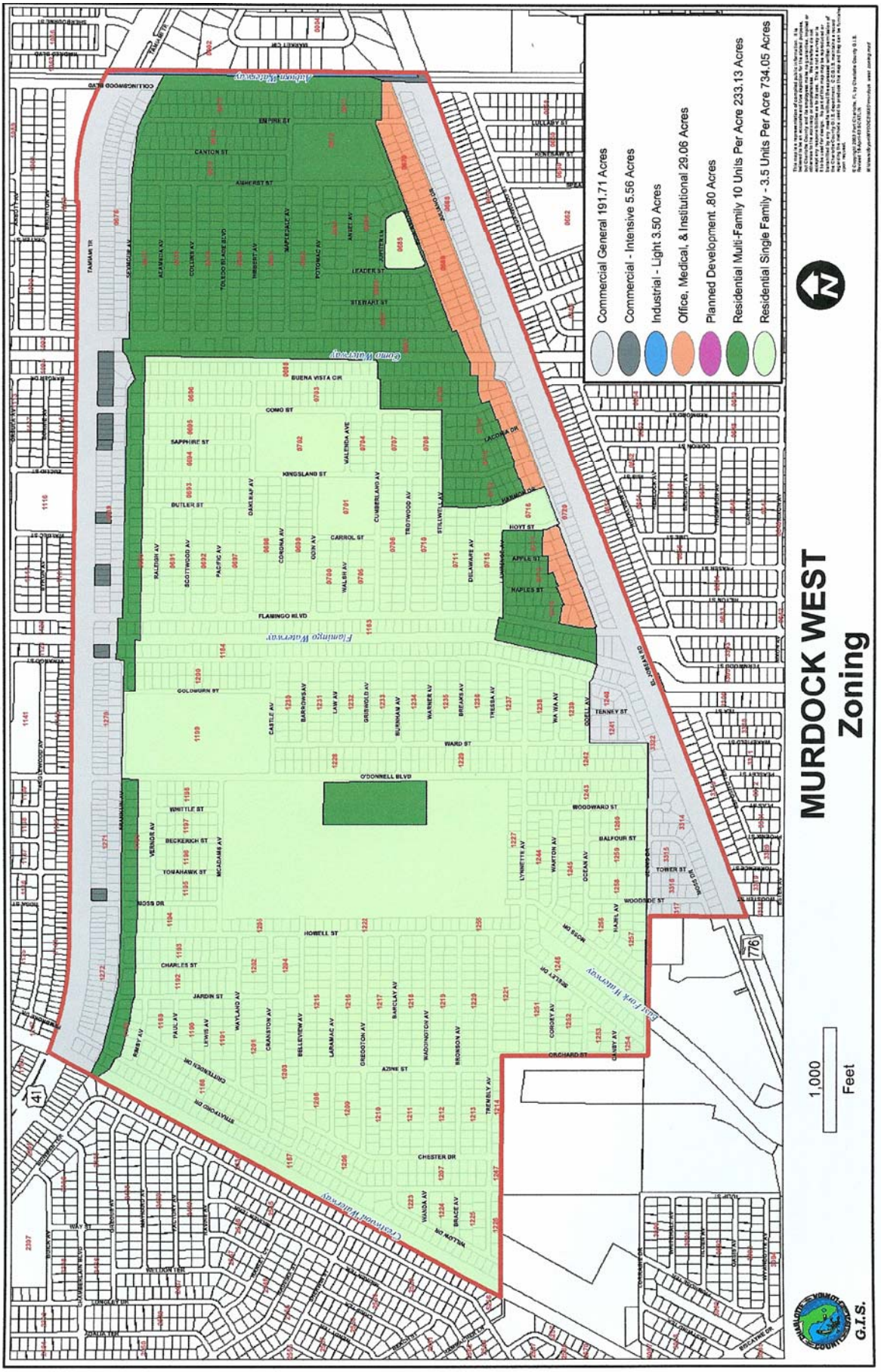
The absence of buffering, lack of commercial access control, small lot configuration, and concentrations of incompatible land use activities collectively function to suggest an environment totally unsuited to contemporary development activity. The fact that the area remains relatively devoid of any residential or commercial development activity speaks to the generally poor environment in which development might otherwise be expected to occur. The faulty layout and configurations of lots in relation to size, adequacy, accessibility and usefulness are suggestive of a functionally obsolete or deteriorated residential and commercial land use plan.

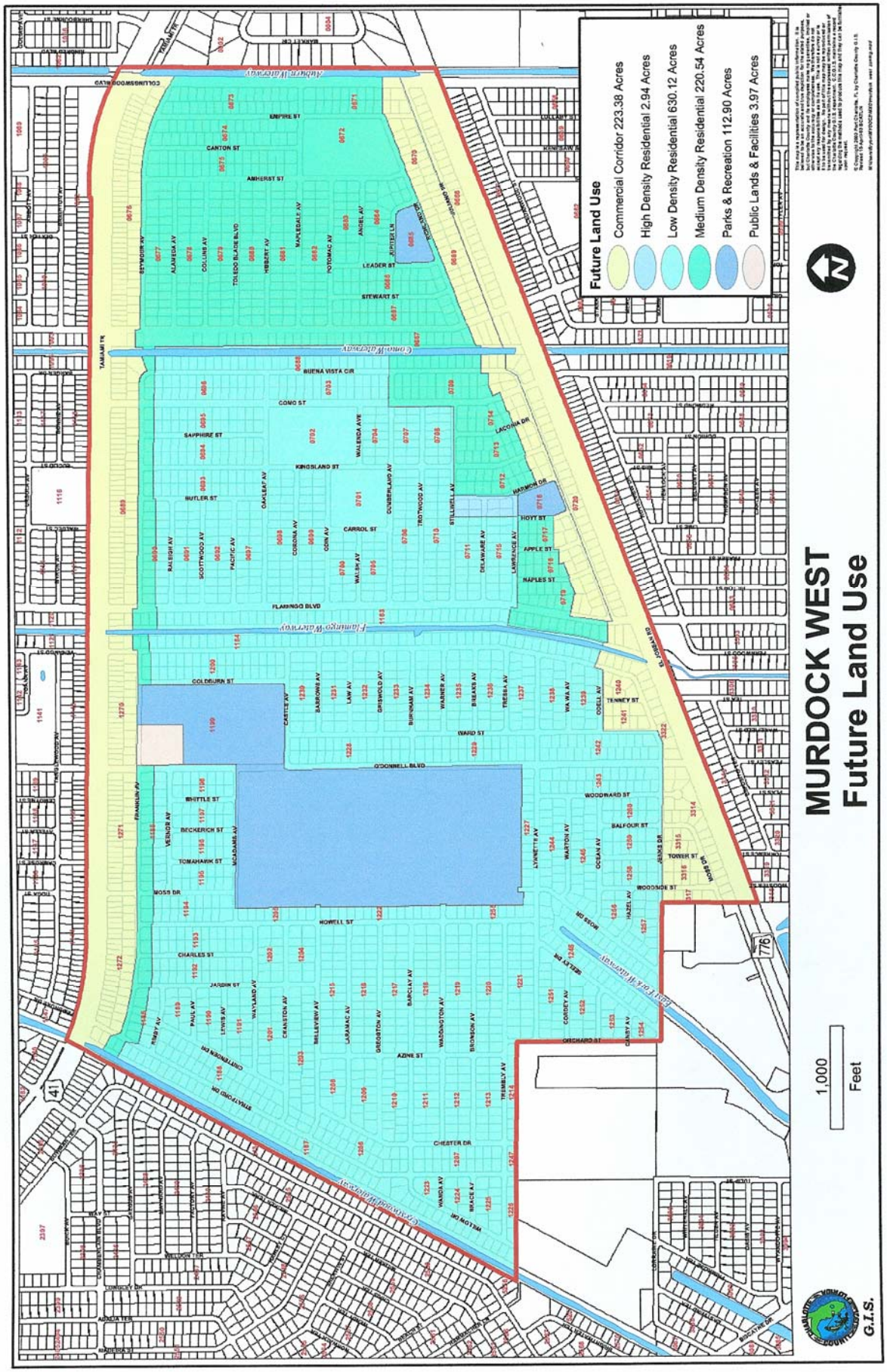
The West Murdock study area is not an area of open land easily reconfigured to other purposes or activities. The intensity of plats, their size and the character of existing structures impart a distinctly deficient pattern of development that precludes sound standards, design, and overall sanitary and safe conditions. These development patterns and conditions will only be reinforced over time if not aggressively altered.

The following maps are included in the next three pages:

Figure 1 is the Existing Land Use Map
Figure 2 is the Zoning Map
Figure 3 is the Future Land Use Map


MURDOCK WEST
Land Use
Developed Residential (78 - 28.70 Acres)
Developed Commercial (20 - 11.2 Acres)
Churches (3 - 17.47 Acres)
Utilites (3 - 9.9 Acres)
Vacant Commercial (412 - 101.82 Acres)
Vacant Residential (2245 - 688.38 Acres)
** Counts represent account totals which may include multiple lots.
1,000
Feet
G.I.S.


MURDOCK WEST
Zoning
Commercial General 191.71 Acres
Commercial - Intensive 5.56 Acres
Industrial - Light 3.50 Acres
Office, Medical, & Institutional 29.06 Acres
Planned Development .80 Acres
Residential Multi-Family 10 Units Per Acre 233.13 Acres
Residential Single Family - 3.5 Units Per Acre 734.05 Acres
1,000
Feet
G.I.S.


MURDOCK WEST
Future Land Use
Future Land Use
Commercial Corridor 223.38 Acres
High Density Residential 2.94 Acres
Low Density Residential 630.12 Acres
Medium Density Residential 220.54 Acres
Parks & Recreation 112.90 Acres
Public Lands & Facilities 3.97 Acres
1,000
Feet
G.I.S.

2.3. Traffic Data and Road Characteristics

Traffic capacity is not currently an issue in the Redevelopment Study Area because of its lack of development. The major thoroughfares, US 41 and SR 776, appear to have capacity adequate for the existing level of development in the area, but additional studies might have to be performed to ascertain longer term road capacity, given the prospects of future redevelopment within the study area. Already County staff have identified some sections of US 41 as operating at level of service (LOS) D, indicating a major arterial approaching its capacity prior to any development occurring within the study area. Further, segments of U.S. 41 and SR 776, identified as requiring upgrades or improvements by County staff, have yet to be placed in the Capital Improvements (County or State) Plans.

The road conditions within the Redevelopment Study Area are problematic. The Redevelopment Study Area lacks cross streets and access points that could provide connectivity among the three discrete neighborhoods or areas that comprise the larger study area. Currently there are only four north/south roadways that serve and connect the Redevelopment Study Area between US 41 and SR 776 – Collingswood Boulevard, Toledo Blade Boulevard, Flamingo Boulevard, and O'Donnell Boulevard. Accessing these north/south roads from US 41 and SR 776 can be difficult because of the periodically high level of vehicular traffic on these major thoroughfares. Moreover, Flamingo and O'Donnell Boulevards link to US 41 at non-lighted intersections. Making a left turn to these two roads can be slowed by stacking, but it is also a dangerous and unnecessary movement that could be avoided with alternate internal routing.

To illustrate local conditions, a motorist in the vicinity of Corona Avenue cannot directly access the adjacent neighborhood without traveling to US 41 from Flamingo Boulevard, then down O'Donnell Boulevard. Since US 41 and Flamingo Boulevard and US 41 and O'Donnell Boulevard do not have traffic lights, the absence of connections causes unnecessary traffic safety risks while loading local trips on these major thoroughfares. At current traffic volumes, accidents are at expected levels for this surface transportation network. It is not unreasonable to forecast an increase in accidents as conditions degrade or capacity declines as the result of increased development.

Given the current grid pattern and the existing canals which limit mobility among the three undeveloped neighborhoods, any deteriorating traffic capacity as suggested by either downgrades in LOS or by the need to widen certain segments, will only be exacerbated by the complete build out across the Redevelopment Study Area. Current emphasis on connectivity and mobility would place a distinct value on physically linking the separate sub-areas to discourage traffic loading onto US 41 or SR 776 to permit travel within the Redevelopment Study Area itself. Further, the multitude of small commercial properties fronting SR 776 and US 41 will impact longer term capacity by upping the movements necessary to complete ingress and ingress. High volume commercial activities will accelerate the rate at which capacity is lost.

The existing road grid that dominates the study area poses its own set of physical and regulatory problems. Although constructed to the standards in place at the time of the Redevelopment Study Area's development, the road grid is materially and functionally below the standards acceptable today from the perspective of both regulators and those active in the development community. The current standards have allowed rapid deterioration that would be unacceptable by current design standards, the typical standards practiced by major community builders, or the scrutiny of the market place which unofficially exercises regulation through its decision to purchase or not to purchase homes in a specific location.

From almost any perspective, the roadway standards in place fall below those of contemporary requirements. Aside from their observable deteriorated condition, they do not satisfy width, depth or materials standards now imposed, resulting in the need for ongoing repairs and maintenance well above the commitment considered tolerable or acceptable in today's environment. County staff reports that the budgets necessary for roadway resurfacing and repairs will increase with the further aging of the grid now in place. Further, County staff report that funds, which may be adequate for some limited resurfacing activities, are not sufficient to accommodate the substantial rebuilding of these roads as appears may be necessary.

Finding:

While there may be adequate traffic capacity for the existing limited level of development within the study area, the status of that capacity suggests, at a minimum, that further studies will be required to ascertain the impacts of any major redevelopment efforts occurring in the Redevelopment Study Area.

The street layout is defective and inadequate because of the lack of cross streets (both east/west and north/south) contributes to the lack of connectivity among the area's neighborhoods and promotes unnecessary traffic risks and loads onto major arterials. Further, the many small commercial parcels fronting the area's major arterials impact current movements associated with ingress and egress. These conditions will only degrade as the area matures. Both the absence of connections and the profusion of commercial curb cuts would be aggressively managed in today's regulatory environment.

Additionally, notwithstanding the actual condition of the arterials that form the larger study area's boundaries, the internal grid is materially below contemporary standards. This road grid has, in fact, deteriorated to the point that it is no longer viable as a system of local neighborhood roads. While the current complement of streets can accommodate emergency traffic, it is well below the design and material standards that would be imposed to support a community marketed today. The costs of maintaining and improving this badly deteriorated road grid can only be expected to grow, and there are currently no palatable budgetary mechanisms to deal with the conditions described.

2.4. Public Transportation and Sidewalks

Because of its lack of development there are no apparent issues in the Redevelopment Study Area related to adequate provision of parking, bridges or other

public transportation facilities save the aforementioned canals and spillways that might be spanned by small bridges to facilitate connectivity among the three separate neighborhoods. While other solutions might resolve internal connectivity, there are no sidewalks to support pedestrian mobility internally or to promote safe conduct along US 41 and SR 776. At a mature stage of development, these conditions will be unacceptable in the context of contemporary design standards as they impede alternative means of mobility and pose a safety risk to community residents.

Photographs of typical areas showing absence of sidewalks

Finding:

Sidewalks and bicycle paths have emerged in contemporary planning practice as an important component in community "place making". These amenities combine to create neighborhoods that would be considered safe and desirable for residents of all ages. The Redevelopment Study Area is absolutely devoid of such facilities.

Other public facilities are not obviously deficient but need to be considered to improve the composition of the existing internal road system. While bridges may be one of many possible solutions to enhance neighborhood connectivity, their absence is an indication of the area's overall blighted condition and evidence of the mounting costs necessary to correct these conditions.

2.5. Storm Water

The Redevelopment Study Area watershed can be characterized as flat, piney woods/palmetto, with poorly drained soils. According to the Soil Survey of Charlotte County, Florida prepared by the United States Department of Agriculture, estimated seasonal highwater elevations are approximately one (1) foot in depth below existing grades. Stormwater runoff from existing residential streets and adjacent properties is conveyed via shallow roadside swales to existing canals bisecting the watershed. Although the stormwater swale system is generally believed to be designed to convey runoff resulting form a five (5) year, twenty-four (24) hour storm event (6 inches of rainfall in 24 hours), some generalized ponding in the area can be expected. Current design standards for residential stormwater collection/conveyance systems in Charlotte County is the five (5) year storm event.

Finding:

Although certain design features are in place to handle stormwater, there is evidence that localized flooding or ponding occurs. These incidents are exacerbated by the poor soil conditions of the area which tend to retard drainage and promote runoff even though the community now supports virtually no development. The platted density of the Redevelopment Study Area is likely to worsen these conditions.

2.6 Wastewater

Existing wastewater service in and around the study area is limited, leading to unsanitary conditions. Virtually all homes within the study area are connected to individual septic systems. Given the soil and hydrologic conditions of the larger area, the cumulative effect of septic disposal of wastewater is considered extremely undesirable. The average size of the area's many plats are particularly unsuited to septic systems. Although there is no minimum lot size mandated, as a practical matter, it is likely that the extensive use of septic systems utilized on such small home sites today will result in the expensive need to retrofit the area with central wastewater in the future.

While the few homes in the area are not known to have system failures, the possibility of that risk is markedly increased if developed to capacity. At the County level, there are now an estimated 40,000 septic fields, and it is a policy of the County's Comprehensive Plan that these individual systems ultimately be replaced with central sewer systems. From a longer-term policy perspective, septic systems are now viewed as strictly temporary devices for wastewater treatment.

The concerns for septic systems extend beyond the local level. At least one reason the County has opted to intervene in the elimination of septic systems is State regulatory pressure. Clearly, the concerns about the problems associated with septic fields are well known and understood and are not isolated to this area.

The approach to waste water service used in the West Murdock study area falls well below currently accepted standards for development. Any community of this size would now be required to provide central service, and it is not unreasonable to speculate that individual users have a preference for centralized systems. Should an area generate more than 1,000 gallons of disposal needs, it would be required under current regulations to install a central system. This flow represents the equivalent of 4-5 homes. Of course, the platting of the West Murdock study area could include as many as 4,900 homes according to current zoning as already described.

As a practical matter, individual septic systems, while undesirable for single family homes, are especially unsuitable for servicing commercial properties. The need for individual systems is at least one explanation for the proliferation of individual commercial lots along US 41 and SR 776 that would normally be discouraged

Any sewer service that might be linked to development activity within the Redevelopment Study Area extends from a 12" force main on SR 776 that runs the full extent of the southerly limits of the study area. As suggested by the discussion above, there are currently no local force mains, lift stations or sewer collection mains

within the redevelopment area itself. A force main is currently being extended from SR 776, north along O'Donnell Boulevard, west along Lynette Avenue and north on Howell Street to a lift station that will service the O'Donnell Park.

The existing force main on SR 776 is of adequate capacity to serve the broader area with no immediate upsizing required. For the provision of sanitary sewer service specifically to the neighborhoods of the Redevelopment Study Area, 7 to 10 new lift stations would be anticipated within the redevelopment area. All new force mains would be routed south to connect on SR 776. Sewer collection systems would be newly constructed along all roadways to service each individual parcel.

The treatment plant that would service the broader area if wastewater service was to be extended generally is located on the east side of Port Charlotte. Accordingly, all flows generated from within the study area must be conveyed easterly across all of Port Charlotte. The conveyance of this flow will impact one existing master pump station and an existing force main between the master lift station and the treatment plant. It is anticipated that the master lift station will require an immediate upgrade estimated to cost $500,000 to assure conveyance of the additional flow. The force main will either have to be upsized or supplemented with an additional force main much earlier than originally anticipated. Depending on the sizing and method chosen, this cost could easily exceed $2,000,000. Connection fees generated from the neighborhoods and commercial activities within the Redevelopment Study Area would be required to underwrite the costs of these improvements.

With expansion of the treatment plant scheduled for 2007, there are no anticipated problems in supplying treatment capacity necessary to service the redevelopment area. However, the provision of wastewater collection facilities could cost several thousand dollars per lot.

Finding:

Capacity for wastewater treatment exists in the community generally and can be easily negotiated and linked to the Redevelopment Study Area properties. Related actions to make these improvements are extremely costly, and there are no plans to lay the lines required for service. The failure to extend sewer into the Redevelopment Study Area neighborhoods is a material deterrent to reuse and redevelopment and contributes to the patterns of observed deterioration or obsolescence of the Redevelopment Study Area.

Although septic systems are not precluded in County regulations, they are strongly discouraged and viewed only as a temporary measure because of their potential for failure and the implied public health risks. It is not uncommon for a single household to construct an individual septic system, possibly using it for years. Any communities developed at the scale anticipated in the Redevelopment Study Area, however, would be required under today's development regulations to provide a central wastewater system and the current County Comprehensive Plan clearly advises of that strategy.

The minimum standard for evaluating the need for a central collection system begins at an average flow of 1000 gallons per day, roughly the equivalent of 4-5 homes.

Even at the lower end of densities that might be permitted within the study area, the need for central sewer is evident.

Centralized wastewater service is especially important for encouraging a broad mix of commercial uses. The current arrangement has effectively forced commercial properties to develop individually with their own septic system, adding to the litany of other problems associated with small commercial lots. Contemporary commercial development would not support this approach or practice. In effect, the absence of central wastewater service creates physical conditions that render the majority of the area's commercial properties functionally deteriorated.

2.7 Potable Water

Like central wastewater systems, central water systems are preferred in areas with major development because of the implied heath risks. Although capacity and distribution lines exist and could serve the study area, the current pattern of development relies upon well water. Because of concerns about contamination, well supplied water is no longer deemed acceptable except as a temporary measure. Where available, distributed water must be used.

Charlotte County Utilities (CCU) owns and operates a major pressure booster and tank storage facility central to the study area. It is located on Block 0702. Water is supplied to the booster and tank facility through a 16" water main that runs the complete length of Como Street between US 41 and SR 776. Water is supplied to the 16" water main from a 16" water main that is routed along Seymour Avenue and a 12" water main that occupies the south side of SR 776. Water exits the booster facility through a 24" main that travels north along Kingsland Street and west along both, Buena Vista Circle and Franklin Avenue. CCU is currently constructing a 16" water main that will exit the facility on Kingsland Street, travel west along Cumberland Avenue, south on Jenks Drive, West on Burnham Avenue, South on O'Donnell Boulevard, West on Lynette Avenue, South on Moss Drive and through the Charlotte County Fair Grounds to SR 776.

Functionally all of the existing water mains in the Redevelopment study area are intended to be used only as transmission water mains. CCU, however, has been allowing independent connection to the mains for water service. Such policy speaks to the concern and compelling public interest in promoting access to central water systems.

The provision of water service would require the construction of water distribution mains along all proposed roadways. Mains would predominantly be 6" diameter in residential areas and 8" diameter in commercial areas. The anticipated cost for water mains would be difficult to approximate until proposed plats are determined.

Existing water pressures and supply would be adequate to provide both potable supply and fire suppression for all development within the study area. However, no immediate major capital improvements are anticipated to provide distribution and fire hydrant facilities to the area. Minor work required immediately may include the addition of an additional pump within the booster facility to convey additional water supply.

From a design and implementation perspective, it may be attractive to modify the appearance of the existing water tank and booster facility to complement any proposed architectural standards. As a practical matter, properties located immediately proximate these kinds of facilities have certain limitations in their preferred use. While water facilities of this type are benign neighbors, typical development would avoid their encroachment at the community level. At the very least, these facilities would be substantially improved architecturally and/or buffered with vegetation. The relocation of the facility would require expenditure between $3,000,000 and $6,000,000 with the cost being heavily impacted by alternative site selection. Elimination of the booster facility is not an option, as it is crucial to supplying water needs to the Cape Haze Peninsula.

Finding:

Potable water is available although it is not distributed throughout the study area. Controlled water supplies are a major concern in the development of public policy, and the use of wells as a source of potable water are strongly discouraged because of the implied health hazards. When treated water is accessible from a public utility, it must be used.

As with septic systems, the current regulations would not permit the widespread use of wells as a means of providing water. Given the current number of residential units and the relatively small number of commercial structures, wells have not yet been a source of problems. The past experience with these types of water supplies, however, should not be confused with a heightened interest in removing the area's dependence on well water. In no case would a development of this size even be considered were wells offered as the means of supplying water. The prospect of numerous wells located near numerous septic systems at potential buildout of the area, as currently, platted is a major potential health concern.

2.8 Overall Site and Plat Conditions

It would be uncommon, if not unacceptable, for a proposed residential community, given today's market and regulatory context, to pursue the intensive platting now found in the Redevelopment Study Area without adequate supportive public infrastructure. This pattern of development, with the deficient and deteriorated infrastructure now present, has been all but abandoned in favor of a more aesthetic design with a hierarchy of streets, densities and neighborhoods. In effect, the proliferation of small lots virtually assures a character and intensity of development that is no longer sustainable.

The divergence between current zoning and the future land use map officially registers the County's concern about the physical composition of land use patterns and their underlying plats. The County discourages the intensities that might otherwise be allowed were the Redevelopment Study Area capable of supporting the land use program consistent with its recorded plats.

From a practical perspective, the residential lots are too small for the intensity of use given their dependence on the combination of wells and septic systems. Similarly,

the size of the commercial lots makes it impractical to pursue anything other than low value, single purpose activities.

Finding:

Lots generally are too small to support anything other than residential or commercial activity of marginal value. The intensity of platting and the absence of necessary infrastructure preclude long-term sustainability and encourage only fractured patterns of development that are representative of the worst sprawl conditions. These are a direct contributor to the functional deterioration observed in field inspections.

2.9 Visual Character, Existing Building and Site Conditions Analysis

The photographs below and on the next several pages are reflective of the overall conditions pertinent to the study area. Generally, the residential structures that exist are not dilapidated or even poorly maintained. The non-residential inventory, however, is functionally deteriorated, rendered obsolete by the constraints of site, structure placement, access, and residential platting adapted to commercial use.

The infrastructure upon which the long term sustainability of the neighborhood and area depends is deficient, absent, or literally deteriorated beyond a level that justifies repair. The *overall* conditions within the larger setting and within each respective neighborhood are such that they combine to create a physical, social and economic context that are not viable for long term stability.

The several conditions documented in this analysis act together to undermine any economic values perceived to exist in the area because they retard a normally functioning market for transactional activity. It is this normally functioning market that acts as the floor for economic value. If that floor cannot be maintained through a continuing exchange between buyer and sellers, economic values will eventually erode. Once that pattern is established, it becomes increasingly difficult to arrest the decline.

Photographs of existing site deterioration

It is almost axiomatic that neighborhoods exhibiting the many deficiencies, inadequacies or deteriorated infrastructure documented in the Redevelopment Study Area have a greater likelihood of slipping into irreversible economic and physical obsolesce.

3. Real Estate Development and Investment Activity

3.1. Reported Investment and Disinvestment Activity

In its 40-year development history, the Redevelopment Study Area has effectively remained poorly deployed and utilized even as surrounding areas have matured and expanded. The area is not open land. Rather, at a gross level, the area represents something of a major infill development opportunity, largely ignored because of its relative undesirability from social, economic, and physical perspectives.

There are an estimated 70- 80 residential and 20-25 commercial structures in the study area. As described in the Historical Perspective section of this Report, the County population has added some 15,000 persons to its population in the last five years. Since it was constructed in 1989, the Port Charlotte Town Center has functioned as one of the County's major retail trading centers, but the Redevelopment Study Area has experienced limited economic benefit from activity nearby. Of the many various commercial facilities constructed in the County from 1996 to 2000, only a small number have been erected in the Redevelopment Study Area. Using almost any benchmark, the economic potential of this area has lagged behind the remainder of the County.

According to current tax records, approximately 2,800 records comprise the Redevelopment Study Area. In tax year 2002, the total taxable values for privately owned land and structures there totaled about $18,000,000. At least 760 of these records, about 27% of the total records, indicate that for the five years (1998, 1999, 2000, 2001, 2002) ending in 2002, the most current tax year, taxable values were flat or declining. These 760 records dominate the entirety of Sub-area 2 and almost all of the commercial lots along US 41 where there has actually been commercial construction. In the entire study area, 1,900 of the 2,800 parcels had a taxable value of less than $3,000 in 2002.

For the five years ending in 2002, the County‘s total *taxable values* showed approximately a 46% increase. For this same five years ending in 2002, the *taxable values* in the Redevelopment Study Area increased at less than 39%. Total *assessed valuations* in the County increased 41% during the same period but in the study area they increased less than 35%.

The County’s taxable valuations and its assessed valuations reflect not only appreciation, but steady capital investment across a much larger base. From 2001 to 2002, construction represented about 2.55% of total taxable values in the County. In the study area, the corresponding activity represents only 1.52% of valuations.

<u>Finding</u>:

Although the County has remained attractive as a location for both residential and non-residential investment, the Redevelopment Study Area has been all but overlooked. Given the study area’s almost central location, its poor performance relative to other areas of the urbanized county is all the more remarkable.

The study area suffers not only physical deterioration and dysfunction but also economic deterioration and dysfunction. Even though there were valuation increases in the aggregate, they are diminished by the appreciation experienced in the County over the same period. The gross changes in the study area ignore the flat or declining values experienced on about 760 of the approximately 2,800 records that comprise the entire area and the fact that two-thirds of the tax parcels within the Redevelopment Study Area have taxable valuations less than $3,000.

In effect, the Redevelopment Study Area is grossly and inappropriately underutilized. At a time when the County, like many local governments, faces severe budget constraints and pressures to contain growth within a manageable area, the Redevelopment Study area offers the prospect of efficient, economically worthwhile, and orderly development if the documented conditions can be corrected or controlled through a redevelopment regime.

3.2. Diversified Ownership

Of the estimated 2,800 records, at least 1,700 are owned by various individuals or principals. Thus, it is difficult or impossible for private interests to mobilize the area for an assemblage that might counteract many of the physical or economic conditions that have been described in this Report. Absent major intervention, an assemblage seems highly unlikely in the context of current ownership and dysfunctional platting.

A sort of the tax records reveals that some 1,600 parcels are owned by out of state interests. Of the estimated 80 homes, that have been built in the area, about 45 have homestead exemptions.

Finding:

The Redevelopment Study Area is not comprised of open land easily adapted to new expectations or specifications. Private interests will find it difficult, if not impossible, to assemble holdings of sufficient size and usefulness to introduce alternative development patterns, schemes, or products. The diversity of ownership is a major constraint to any redevelopment activities in the area that will likely be exacerbated by tax delinquencies, a multitude of ownership and title histories, and battery of physical and legal impediments that typically preclude redevelopment beyond a small scale. Given the magnitude of the legal and physical circumstances in the present case, the challenges to stabilize or redirect the form of development are almost insurmountable.

3.3. Crime and Illegal Acts

A visual inspection shows that the area suffers from illegal trash disposal and dumping. The number of vacant lots, many covered with trees and other heavy vegetation, encourage the unloading or deposing of refuse.

Large items, including stoves, refrigerators, and other household goods, comprise a source of litter that can be dangerous to children and a breeding ground for vermin in some cases. While obviously visually displeasing, the accumulation of such refuse

also identifies the Redevelopment Study Area as an area virtually incapable of reclaiming itself. Code officials are disturbed by the patterns of illegal dumping which they informally report as affecting as many as 25% of the undeveloped or vacant parcels.

Photographs of illegally dumped items

Finding:

Trash has accumulated on many of the empty or undeveloped lots in the Redevelopment Study Area. The presence of such trash is illegal and constitutes both criminal activity and a visual blight strongly associated with social, economic, and health risks.

4. Criteria for Determining Blight

In effect, the Redevelopment Act establishes two similar, but discrete, pathways to determine if a study area is a "blighted area", sufficient to warrant the full application redevelopment powers conveyed by such a designation.

- The first alternative ("Alternative One") involves the layering of two tests. The first test is broadly conditional and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.

- The second alternative ("Alternative Two") involves a specific agreement among parties subject to a prospective trust fund agreement. Where such agreement exists, then the jurisdiction seeking to designate a redevelopment area need pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.

4.1. Alternative One

The *first prong* of Alternative One's tests requires that a study area identified as a blighted area contain a "substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property ".

The *second prong* of Alternative One's test is that the area must be one in "which two or more of the following factors are present".

a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
d) Unsanitary or unsafe conditions;
e) Deterioration of site or other improvements;
f) Inadequate and outdated building density patterns;
g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
h) Tax or special assessment delinquency exceeding the fair value of the land;
i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
j) Incidence of crime in the area higher than in the remainder of the county or municipality;
k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

These are identical to the fourteen criteria introduced on pages 7-8 in this Report.

4.2. Alternative Two

The Redevelopment Act also allows that a blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.40(8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387(2)(a), F.S. agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. *See* Section 163.340(8), F.S.

4.3. Assessment of "Substantial Deterioration"

The Redevelopment Act provides little specific criteria or guidance in Section 163.340(8), F.S. regarding the definition or attributes of deteriorating structures other than that implied in the Redevelopment Act which focuses on a series of indicators that in the aggregate are assumed to lead to economic, physical or social distress. In the present case, only a few buildings exist on over 2,800 parcels. The few residential buildings are largely of acceptable physical condition, but many of the commercial buildings are functionally deteriorated and rendered functionally and physically obsolete by the constraints of site, structure placement, access and residential platting adapted to commercial use. Whatever their apparent physical condition, such condition should not be construed as a measure of their useful life.

Further, the infrastructure upon which the long-term sustainability of the sub-areas depends is deficient, absent, or literally deteriorated beyond a level that justifies repair or maintenance. The *overall* conditions in the Redevelopment Study Area and within each respective neighborhood sub-area are such that they combine to create a context of functional and physical deterioration which is conducive to economic, physical and social distress.

In the context of assessing substantial deterioration under the Redevelopment Act, we believe the term “structures” reasonably includes not only the few buildings in the area but the infrastructure built or constructed decades ago and now incapable of supporting substantial development in the future. The conditions and circumstances documented in this Report and readily observable in the Redevelopment Study Area evidence a "substantial number of deteriorated, or deteriorating structures" leading to economic distress that, in their current condition, are certainly capable of endangering life and property if not substantially modified, retrofitted, repaired, rebuilt, or redeveloped entirely.

4.4. Blight Factors Present in the Redevelopment Study Area

Of the fourteen conditions indicative of blight listed in the Redevelopment Act, our analysis indicates that at least seven such conditions exist in the Redevelopment Study Area and are retarding its immediate and longer term social, economic, and physical development. Alternative One requires that at least *two* criteria be satisfied. Alternative Two requires that only *one* criterion be satisfied. Below is a summary of the criteria that apply to the Redevelopment Study Area.

Predominance of defective or inadequate street layout. (Section 163.340(8)a, F.S.). The totality of the Redevelopment Study Area is comprised of a road grid that falls well below current standards and requires substantial budgetary commitment to maintain and/or upgrade over time. Indeed, the road grid has deteriorated beyond a level that justifies its repair.

Width, depth of bed, and composition of materials no longer satisfy road design standards. The deteriorated conditions of the road grid are visibly evident. Their current state of disrepair and deterioration discourage investment in the neighborhood because the context is not favorable to long-term ownership of property.

The absence of satisfactory internal connections forces local traffic onto the perimeter roads, which adds unnecessary and potentially dangerous trips to these road segments. The perimeter arterials are not yet at capacity but the level of service does not consider how conditions might change should the area be developed to its allowable intensity. At least one major arterial already functions at LOS D. Though improvements are contemplated for these arterials, the funds have not been committed to budgets or plans.

Localized ponding is known to occur in certain neighborhoods within the study area. It remains unclear if the poor drainage occurs as the result of inadequate controls or poor execution of the canals and spillways that would otherwise be allowed. Regardless of its origin, periodic ponding is in need of correction and such intervention is frequently through some kind of public action or vehicle. Such drainage solutions are expensive and usually occur in conjunction with road (re)construction.

The absence of sidewalks is not only a safety issue but further evidence of inadequate transportation. The condition of the existing road grid precludes the provision of sidewalks without costly reconstruction. The lack of sidewalks raises serious safety issues for pedestrians.

Aggregate assessed values. (Section 163.340(8), F.S.). The Redevelopment Study Area remains virtually undeveloped or unimproved after 40 years despite its proximity to major shopping and commercial centers that are highly dependent upon nearby residential development. In effect, the Redevelopment Study Area is something of an infill development location that has been overlooked because of its stressful social, economic, and physical deterioration.

The economic deterioration is reflected in the property's observable underutilization and the relatively stagnant property values estimated for the area. Even as Charlotte County has increased its assessed valuations by 41% in the five year period (1998, 1999, 2000, 2000, 2002) ending in 2002, a substantial number of the properties in the Redevelopment Study Area have failed to show any appreciable increase, resulting in an overall increase in assessed valuations materially below the rate achieved at the County level. At the County's rate of growth, there is a reasonable expectation that rates of growth should be similar, on the average, across all unincorporated areas capable of supporting development.

Approximately 760 parcels have remained stable or declined in value over the period examined in this analysis. The loss of value, while primarily in a single neighborhood sub-area, extends across the entire Redevelopment Study Area and includes both residential and commercial parcels. The aggregate assessed values have failed to show any appreciative increase over the past five years. The absence of appreciable increases in property values places some financial stress on the remainder of the county to absorb the burdens of serving or improving the area.

Faulty layout in relation to size, adequacy, accessibility and usefulness. (Chapter 163.340(8)c F.S.). The Redevelopment Study Area is not an area of open land easily reconfigured to other purposes or activities. The intensity of plats, their size and the character or condition of existing structures impart a distinctly deficient pattern of development that precludes sound standards, design, and overall sanitary and safe conditions. These development patterns and conditions will only be reinforced over time if not aggressively altered.

As now planned, the area's zoning and platting could potentially yield as many as 4,900 units of single and multi-family housing with a minimum density of 3.5 units to the acre. The future land use map, however, calls for fewer units and lower densities overall as the result of some 100 acres that have been consigned to parks and

recreation. The divergence of current zoning and future planning requirements attests to the inadequacy of the existing plats to accommodate preferred design and service demands.

The commercial lots also suffer from inadequacies as a result of their size. In their case, they have depth and width limitations that force an increased number of ingress and ingress points on major roads. While newer structures appear to have conformed with design standards, the typical lot dimensions, in conjunction with immediate proximity to residential areas, preclude adequate space for landscaping or other treatments that might buffer these residential zones. The gross number of lots is likely disproportionate to the number of users that would consider acquiring such lots for their intended purposes. In today's competitive environment, contemporary development practices favor larger sites to vary and mix uses and activities. Although each non-residential site may be buildable, in the aggregate the commercial lots are largely economically dysfunctional or deteriorated because they simply do not meet contemporary design and investor requirements.

Unsanitary or unsafe conditions. (Section 163.340(8)d, F.S.). Septic systems, however well they are regulated, are not viewed favorably by regulators, health officials or users. Recognized as a matter of compelling public interest because of their health hazards, staff reports that the State of Florida encouraged Charlotte County in 1998 to take affirmative action in the *Comprehensive Plan* to outline a course of action that would ultimately rid the County of all septic systems.

Left to be monitored and maintained by each user, septic systems frequently fail bringing the risks of infiltration to water supplied by wells and posing difficulties for mosquito control. In areas such as the Redevelopment Study Area that are known to be flood prone or suffer from periodic ponding, septic systems under perform increasing the known health risks. All or most of the existing homes are on septic systems now. There are no plans to extend sewer services into the Redevelopment Study Area at present so future development will also depend on antiquated septic systems for sanitation. In any case, at the allowed densities identified in the future land use map, the prospect of a major community served by septic systems would be considered unacceptable by today's stringent development standards. The impact of septic systems has been particularly noticeable on the siting of the area's commercial properties. The need for adequate sized septic fields has at least contributed to the pattern of small and divided lots intended to accommodate individual systems.

Central water could be made available to the properties that comprise the study area by a series of main lines that serve the region. Nonetheless, there are no distribution lines to carry that water to individual residential and commercial sites necessitating, for the most part, that water be supplied by well. Not unlike individual septic systems, wells are dependent upon individual maintenance procedures. Centralized public water supplies are the preferred means of providing potable water because these systems can be continuously monitored for quality by trained operators and technicians. Again, like septic systems, given the scale of development anticipated the in Redevelopment Study Area individual wells absolutely would be an unaccepted solution in the context of current codes.

The sum of these concerns is that avoidance of concentrated use of wells and septic systems is highly desirable from a public policy standpoint based on objective criteria associated with health, safety and welfare considerations. The replacement and removal of individual wells and septic systems is a matter of paramount public concern regarding public health, safety and welfare.

Insufficient sidewalks pose an immediately identifiable problem within both the neighborhoods that comprise the study area and along the perimeter arterials. While accidents will occur, whatever safeguards are put in place, clearly having sidewalks for pedestrians on which to walk and a visible pedestrian-designated space wherein motorists are alert and vigilant, would diminish the number of accidents that might involve pedestrians. Left unchecked, the frequency of accidents will most likely continue to escalate.

Because the three neighborhood sub-areas are not connected, the existing grid forces local traffic onto the perimeter arterials. Not only is capacity diminished, the unnecessary loading for local travel subjects more cars to the potential of accidents. Today's contemporary planning approaches recognize the need to capture internal trips as a means of achieving neighborhood safety.

Finally, while not a major criminal offense, officials have expressed concern about the repeated dumping and disposal of trash and household goods throughout the study area. The accumulation of trash, by estimates of County officials, could affect as many as 25% of the undeveloped and vacant parcels. Dumping is more than criminal mischief. Such illegal activity creates not only visual blight but it suggests health and safety risks for children or others exposed to the discarded items as well as vermin that might breed in the area itself.

Deterioration off site or other improvements. (Section 163.340(8)e, F.S.). As noted in the analysis section of this Report, most *buildings* within the study area are *physically* sound overall. The primary concern is deterioration in context and setting which will discourage long-term sustainability and lead to a reduction in useful life more rapidly than would be the case in a stable residential and commercial environment.

The context and setting is defined in large part by the quality of the road grid. Among the most visible structural improvements within the Redevelopment Study Area, the road grid has deteriorated to a level that no longer justifies simple repairs but rather requires complete reconstruction to meet contemporary standards for comparable local roads.

As for many of the commercial improvements, many simply do not meet current demands of the marketplace. Although they may not be deteriorated from a physical standpoint, many are nearing, or have reached, the end of their useful economic life and are functionally deteriorated. Parking and access conditions are clearly deficient.

Inadequate and outdated building patterns. (Section 163.340(8)f, F.S.). Conditions of inadequate and outdated building patterns are literally self-evident based on the most casual inspection of the study area. The dichotomy between current zoning and furure anticpated land uses directly speaks to the community's concerns with the

intensity of potential development conceptually possible within the dimensions of the existing plats.

Virtually every contemporary deisgn or regulatory practice is violated by conditions in the Redevelopment Study Area. Among the deficiencies that speak to inadequate and outdated building patterns are the following:

- Planned density relative to the size and adequacy of platted lots
- Absence or deterioration of most infrastructure
- Sub standard materials or specfications related to that infrastructure which is in servcie
- Poor connectivity among neghborhoods prompting the use of regional arterials for local travel
- No sidewalks
- No designated public spaces save those that have been contributed recently by the County
- No provisions for schools
- Unrestricted and divided ingress and egress among numerous commercial properties
- Commercial intrusion into residential areas stemming from inadequate lot depth, poor design contols, and the asbence of transtional zones that preclude opportunities to insert buffering.

Diversity of Ownership. (Section 163.340(8)m, F.S.). Arguably, the study area's diverse ownership is among its most onerous and fractious problems. Given the number of owners, the non-resident status of these owners, the pattern of small lots, and the demands of contemporary market or building requirements, it will be difficult for private interests to acquire sufficient property to alter the established patterns of development and use. Aggressive intervention will be needed to assemble parcels or holdings adequate in size such that the larger community is evidently committed to changing the study area's social, physical and economic character.

5. Conclusion and Satisfaction of Alternative Tests

The Redevelopment Study Area is one in which a substantial number of deteriorated structures exist and these are materially injurious to the both the area's and community's overall sustainability. These deteriorated structures and conditions are such they *"are leading to economic distress or endanger life or property…."* as described in the Redevelopment Act.

Such evidence of deteriorated conditions, together with cited and inferred data that identifies at least seven dimensions of social, physical and economic hardship associated with deteriorated conditions and broad decline, demonstrate a substantial record of blight existing throughout the Redevelopment Study Area. Because Charlotte County alone is the single government to be affected by the establishment of a CRA and the future commitment of tax increment revenue that results from the creation of such a CRA, it is our conclusion that the County need satisfy only one of the multiple criteria that would otherwise stipulate an area to be a blighted area. Our review indicates that conditions are so poor in the Redevelopment Study Area that

either alternative method of finding of blight is demonstrated several times over, with many of the earmarks of blight readily apparent in the Redevelopment Study Area.

The information summarized in this Report is adequate for Charlotte County to acknowledge the described conditions and to adopt a resolution that declares the rehabilitation, redevelopment, and conservation of the Redevelopment Study Area is in the interest of public health, safety, morals, and welfare.

6. Next Steps: Community Redevelopment Plan and Trust Fund

Identifying a specific community redevelopment area, determining that such area is a blighted area as required by the Redevelopment Act and establishing a community redevelopment agency are the next logical steps Charlotte County faces. Assuming these actions take place, creating a community redevelopment plan for the West Murdock Study Area is the next step in the redevelopment implementation protocol. A community redevelopment plan cannot be initiated until the County Commission has formally acknowledged the conditions of blight described herein.

The community redevelopment plan must conform to a variety of criteria established in Section 163.360, F.S. Further, the community redevelopment plan must contain certain elements articulated in Section 163.362, F.S. Collectively, it is the purpose of such elements to serve as a legal framework for activating strategies which would contain these blighted conditions, remove such conditions and promote development and or redevelopment that facilitates sound, sustainable growth in the West Murdock area of Charlotte County.

Because of the relatively large area, the diversity of ownership and the obvious necessity for the County or the community redevelopment agency to acquire the lands within the West Murdock Study Area, any future community redevelopment plan needs to be flexible and capable of facilitating an evolving redevelopment vision. The community redevelopment plan need not be a capital improvement plan in the typical sense, but rather can be a framework for creating and implementing a redevelopment strategy that complies with the dictates of the Redevelopment Act. The development of a community redevelopment plan must not only meet the legal requirements of the Redevelopment Act, but foster and facilitate the attraction of capable and cooperative redevelopment partners. Accordingly, a community redevelopment plan that contemplates the attraction of redevelopment partners and recognizes the practical challenges of redevelopment (e.g. the business risks of ownership consolidation, negotiations with multiple qualified redevelopment partners which will demand flexibility, and the need to leverage available tax increment financing capabilities) can be a particularly powerful tool for the County.

The process for considering and adopting a community redevelopment plan also requires extraordinary mailed notice to all taxing authorities as well as published notice. As well, prior to consideration of a community redevelopment plan, the community redevelopment agency must submit the plan to the local planning agency of the County for review and recommendations as to its conformity with the comprehensive plan for the development of the County as a whole. This analysis by the local planning agency is a relatively narrow analysis, but is a required intermediate step. Upon submission of the community redevelopment plan to the

County and each taxing authority, a public hearing concerning the redevelopment plan is also required. Following such public hearing and a determination by the County approving the plan and confirming various statutorily required findings, the community redevelopment plan may then be adopted.

Following the adoption of the community redevelopment plan, a community redevelopment trust fund is required to be established by County ordinance. Funds allocated to and deposited into this fund shall be used by the community redevelopment agency to finance community redevelopment identified in the community redevelopment plan.

APPENDIX F

BINDING LETTER OF INTERPRETATION OF VESTED RIGHTS

MECHANIK NUCCIO WILLIAMS HEARNE & WESTER

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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PHONE (813) 276-1920 FAX (813) 276-1560

FAX TRANSMITTAL FORM

FROM THE DESK OF: *Anne Q. Pollack, Esquire*

DATE: April 20, 2004

ATTN: Renee Francis Lee
CC: Louis Whitehead
Mark Lawson
Cari Roth
Owen Beitsch

FAX #: (941) 743-1550
(941) 743-1550
(850) 222-8969
(850) 222-8969
(407) 839-6197

RE: Murdock Village Binding Letter of Vested Rights

NUMBER OF PAGES (Including Cover): 9

MESSAGE: Congratulations! Today we received a very positive Binding Letter of Interpretation of Vested Rights from the Florida Department of Community Affairs. The letter has ordered that Murdock Village is not subject to DRI review and has found that it has vested rights for the units and square feet we asked for. The totals are as follows:

Single Family: 2744 units
Multi-family: 538 units
Commercial: 2,657,665 square feet

The letter is attached for your reading pleasure. Please call me with any questions.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, COMMUNICATION OF THIS MATERIAL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT IF NECESSARY) AND RETURN ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU. IF YOU EXPERIENCE PROBLEMS IN RECEIVING, PLEASE CALL OUR OFFICE AT (813) 276-1920.

RECEIVED
APR 20 2004

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

April 14, 2004

David M. Mechanik
Mechanik Nuccio Williams
Hearne & Wester, P.A.
1901 East Kennedy Boulevard
Suite 3140
Tampa, Florida 33602-5151

RE: Binding Letter of Vested Rights for Murdock Village

File No: BLIVR-0904-002

Final Order No: DCA04-BL-080

Dear Mr. Mechanik:

We have evaluated your Application for a Binding Letter of Interpretation of Vested Rights dated January 26, 2004, and received by the Department of Community Affairs on January 27, 2004, and the additional information submitted under cover letter dated April 5, 2004, and received by the Department April 6, 2004. Based on the information contained in the Application and other information obtained during review, the Department enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Preliminary Findings

1. On January 27, 2004, the Department received an Application for a Binding Letter of Interpretation of Vested Rights (BLIVR). The Applicant for the BLIVR is Charlotte County. The authorized representative of Charlotte County for this BLIVR is Mr. David M. Mechanik.

2. On February 13, 2004, a Notice of the Application for Binding Letter was published in the *Florida Administrative Weekly*. The full Application was provided to Charlotte County, Florida, and the Southwest Florida Regional Planning Council. Neither the County nor the Council provided comments to the Department regarding the Application.

3. On April 6, 2004, the Department received additional information from the applicant regarding the Application.

4. The Applicant seeks a determination of vested rights for residential and commercial development in Charlotte County, Florida, in an area known as "Murdock Village." This area will be referred to both as "Murdock Village" and "the Property" in this Binding Letter.

5. Murdock Village is located in Charlotte County within Sections 2, 10, 11, 12 and 14, Range 40 South, Township 21 East, and encompasses approximately 1,101 acres. The Property is bounded generally by Tamiami Trail on the north, Collingswood Boulevard on the east, El Jobean Road on the south, and the Crestwood Waterway on the west.

6. The Property is comprised of the entirety of three plats, and portions of two others. All five plats were submitted to and approved by the County at the request of General Development Corporation as part of the "Port Charlotte Subdivision." The platting and the accompanying zoning approvals for these properties were issued as follows:

a. Section 35 Plat. This Section received plat approval in November 1958. In May 1970, Section 35 was zoned R-1b ("Single Family, Low Density"), R-2("Two Family Residential"), and BR("Business, Retail Sales and Service").

b. Section 41 Plat. This Section received plat approval in March 1959. In May 1970, Section 41 was zoned R-1b ("Single Family, Low Density"), R-2("Two Family Residential"), and BR("Business, Retail Sales and Service"). Only a portion of this plat is within the Murdock Village boundaries.

c. Section 42 Plat. This Section received plat approval in March 1959. In May 1970, Section 42 was zoned R-1b ("Single Family, Low Density").

d. Section 46 Plat. This Section received plat approval in April 1959. In May 1970, Section 35 was zoned R-1b ("Single Family, Low Density"), R-2("Two Family Residential"), and BR("Business, Retail Sales and Service"). Only a portion of this plat is within the Murdock Village boundaries.

e. Section 99 Plat. This Section received plat approval in March 1973. In June 1972, Section 99 was zoned R-2("Two Family Residential") and BR("Business, Retail Sales and Service").

7. Upon plat approval, General Development Corporation constructed approximately thirty-three (33) miles of roads and extensive drainage ditches throughout all five Sections to ready the land for development.

8. Since zoning and plat approval, various residential and commercial buildings have been constructed within Murdock Village.

Vested Rights

9. The applicant is seeking a vested rights determination pursuant to section 380.06(20), Florida Statutes, to establish whether Murdock Village is vested for development of regional impact (DRI) purposes.

10. In the Application for this Binding Letter, the Applicant represents that "[n]o part of the Subject Property has been considered before by the DCA for a Binding Letter of Vested Rights."

11. Subsequent to the submission of the Application, the Applicant was made aware that all of the Property had been the subject of a prior Binding Letter issued by the Department.

12. On July 31, 1974, the Department of Administration, Division of State Planning, issued a Binding Letter regarding General Development Corporation's properties throughout Florida, including Port Charlotte. This letter finds that Sections 35, 41, 42, 46 & 99 of the Port Charlotte Subdivision are vested and need not comply with the provisions of Section 380.06, Florida Statutes. These are the same platted Sections that are within Murdock Village.

13. While this 1974 Binding Letter finds that the five Sections of the Port Charlotte Subdivision that are within the Murdock Village boundaries are vested, it does not specify exactly the types and amounts of residential and non-residential development within those Sections that are vested.

14. In support of the current Application, the Applicant submitted the approved plats for the five Sections, along with the applicable portions of the then-existing Charlotte County Zoning Code, to demonstrate the specific amount and types of vested development.

15. All of the Sections are zoned a combination of "Single Family," "Two Family," and "Business." For purposes of calculating vested uses, areas zoned "Single Family" were assigned one residential dwelling unit per platted lot, and areas zoned "Two Family" were assigned two dwelling units (one duplex) per platted lot. Areas zoned "Business" were assigned a lot coverage as set forth in the Zoning Code. While the Code contains no height limitation, the Applicant assumed for these purposes that the vested commercial uses would be two-story buildings, and calculated potential square footage on this basis.

16. Using these parameters, the following uses could be developed on the Property:

a. Single-Family: 2,744 units (2,744 lots)

b. Multi-Family: 538 units (269 lots)

c. Commercial: 2,657,665 square feet (193 lots)

17. The Applicant seeks to establish these numbers as the level of vested development for Murdock Village.

CONCLUSIONS OF LAW

1. All communications made by or on behalf of the Applicant, all material submitted in the Application, and all other relevant materials are incorporated herein by reference

2. Pursuant to Section 380.06(20), Florida Statutes, a property owner is entitled to vested rights with respect to DRI review for development that received local authorization to commence development prior to July 1, 1973.

3. By Binding Letter dated July 31, 1974, the Department determined that Sections 35, 41, 42, 46 and 99 of the Port Charlotte Subdivision are vested. These Sections make up the entirety of Murdock Village. Accordingly, Murdock Village has already been deemed vested from DRI review under Section 380.06, Florida Statutes.

4. The information submitted by the Applicant demonstrates that this vesting determination includes the specific amounts of development described in Finding of Fact 16 *supra*.

ORDER

1. It is hereby ordered that Murdock Village has vested rights for the types and levels of development described in Finding of Fact 16 *supra* pursuant to Section 380.06(20), Florida Statutes. The Murdock Village development, as described above, is not subject to DRI review under Chapter 380, Florida Statutes.

2. Any proposed changes may require further review pursuant to sections 380.06(4)(e) and (f), Florida Statutes. Should any of the representations made in the application be substantially changed, further review of the project may be required.

This determination does not obviate the need to comply with all other applicable state or local government permitting procedures. Any questions regarding this determination should be directed to Shaw Stiller, Assistant General Counsel, at 850.488.0410.

Sincerely,

Valerie J. Hubbard

Valerie J. Hubbard, AICP
Director, Division of Community Planning

cc:\ Renee Francis Lee, County Attorney
Charlotte County
Daniel L. Trescott, Principal Planner
Southwest Florida Regional Planning Council
Elliott Kampert, Manager
Charlotte County Community Development Department

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula P. Ford 4/14/04
Paula P. Ford Date
Agency Clerk

NOTICE OF RIGHTS

The applicant has the opportunity for a formal administrative proceeding regarding this binding letter pursuant to Sections 120.569 & 120.57(1), F.S. If you dispute any issue of material fact stated in the binding letter, then you may file a petition requesting a formal administrative hearing before an administrative law judge of the Division of Administrative Hearings pursuant to Sections 120.569 & 120.57(1), F.S., and Chapter 28-106, Parts I and II, F.A.C. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

If you desire a formal administrative hearing, you must file with the agency clerk of the Department of Community Affairs a written pleading entitled "petition for administrative proceedings" within 30 days of receipt of this notice. A petition is filed when it is received by the Agency Clerk in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

The petition must meet the filing requirements in Rule 28-106.104(2), F.A.C., and must be submitted in accordance with Rule 28-106.201(2), F.A.C. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the binding letter, and it must state any defenses upon which you rely. You waive the right to an administrative proceeding if you do not file a petition with the agency clerk within the time frames described above.

You may also decide that no formal administrative proceeding is required for this binding letter. If you do not request a formal administrative proceeding, this binding letter constitutes final agency action and is subject to judicial review as set forth below. Any party to this binding letter has the right to seek judicial review of the binding letter pursuant

to Section 120.68, F.S., and Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110.

To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate district court of appeal within 30 days of the day this binding letter is filed with the agency clerk. The notice of appeal filed with the district court of appeal must be accompanied by the filing fee specified in Section 35.22(3), F.S., and must be substantially in the form prescribed by Florida Rule of Appellate Procedure 9.900(a).

You waive your right to judicial review if the notice of appeal is not timely filed with the agency clerk and the appropriate district court of appeal.

Mediation under Section 120.573, F.S., is available with respect to the issues resolved by this binding letter. A request for mediation must include the information required by Rule 28-106.402, F.A.C. Choosing mediation does not affect the right to an administrative hearing.

APPENDIX G

RESOLUTION FINDING COMMUNITY REDEVELOPMENT PLAN IN CONFORMITY WITH COMPREHENSIVE PLAN

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF CHARLOTTE COUNTY, FLORIDA; RELATING TO THE REVIEW OF THE "MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN" (FEBRUARY 2005); PROVIDING FOR WRITTEN RECOMMENDATIONS WITH RESPECT TO THE CONFORMITY OF SUCH PLAN WITH THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF CHARLOTTE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF CHARLOTTE COUNTY, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined, and declared that:

The Planning and Zoning Board of Charlotte County, Florida (the "Planning and Zoning Board") is the "local planning agency" of Charlotte County, Florida (the "County").

On or about May 27, 2003, the Board of County Commissioners of Charlotte County, Florida, created the Murdock Village Community Redevelopment Agency (the "Agency") pursuant to Resolution No. 2003-081 and declared that the County Commission shall sit ex-officio as the governing body of the Agency.

(C) The County Commission identified a specific community redevelopment area and directed and authorized the County and Agency staff to proceed to prepare and seek comment upon a community redevelopment plan as required by law.

(D) The "Murdock Village Community Redevelopment Plan" (February 2005) (the "Community Redevelopment Plan") has been prepared and timely submitted to

CERTIFIED, TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: DEPUTY CLERK

the Planning and Zoning Board as required by Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act")

(E) The Planning and Zoning Board has reviewed the Community Redevelopment Plan relative to its conformity with the comprehensive plan for the development of Charlotte County and provides in this Resolution its written recommendations with respect to such conformity in accordance with the provisions of the Community Redevelopment Act.

(F) The Planning and Zoning Board hereby determines and declares that the Community Redevelopment Plan is in conformity with the comprehensive plan for the development of Charlotte County as a whole and otherwise sufficient, pursuant to the Community Redevelopment Act, for the purposes of consideration and approval by the Agency and the County Commission.

SECTION 2. EFFECT OF ADOPTION OF RESOLUTION.

The adoption of this Resolution shall be liberally construed to (1) comply with the review and comment requirements required by Section 163.360 and Section 163.362, Florida Statutes, and (2) specifically document by resolution that the Planning and Zoning Board has timely received, reviewed and provided written comment upon such Community Redevelopment Plan.

If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law,

though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions and actions of the Planning and Zoning Board inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED this 18 day of February 2005.

PLANNING AND ZONING BOARD OF CHARLOTTE COUNTY, FLORIDA

By: Michael L. Gravesen

~~Paula Hess, Chairman~~

MICHAEL L. GRAVESEN

VICE CHAIRMAN

Attest:
Barbara T. Scott, Clerk

By: Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Janette S. Knowlton

Janette S. Knowlton, County Attorney

{2462.DOC;2}

APPENDIX H

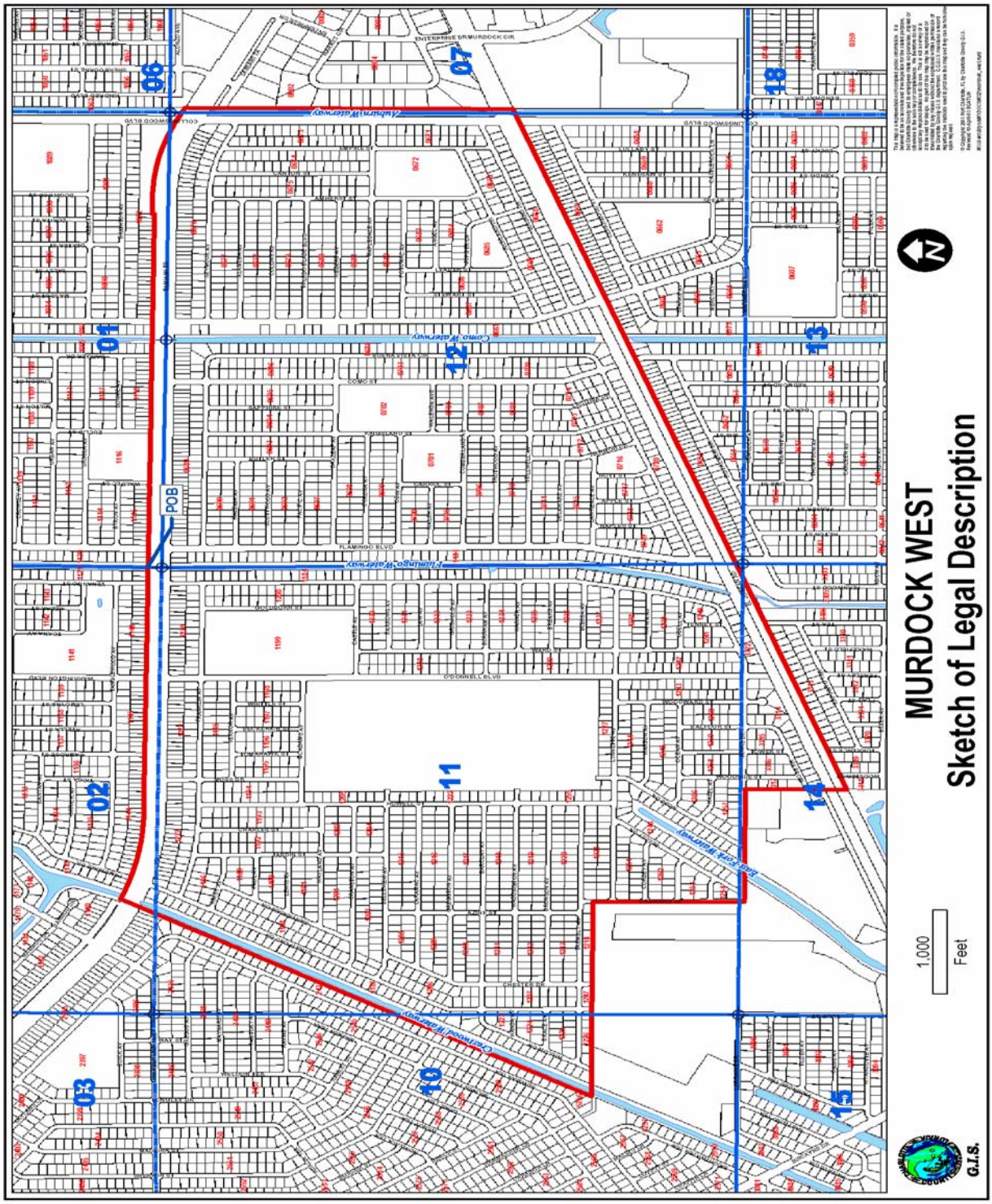
COMMUNITY REDEVELOPMENT AREA CAPITAL WORK PLAN

1 **COMMUNITY REDEVELOPMENT AREA CAPITAL WORK PLAN**

Major Scope of Improvement	Description	Cost Estimate	Anticipated Allocations(s), Primary (1) or Secondary (2) Emphasis	
			Public	Private
Proposed on site road improvements				
	Construction or improvements of major roadways			
Toledo Blade Blvd.		$ 2,538,000	1	2
Flamingo Blvd.		$ 2,060,000	1	2
Service east west		$ 5,244,000	1	2
Parkway north south	(with roundabouts)	$ 8,205,000	1	2
Parkway Town Center		$ 1,536,000		1
Parkway east west		$ 4,673,000		1
	SUBTOTAL	$ 24,256,000		
Other proposed on site improvements				
Parks	Improvements			
Neighborhood parks		$ 1,400,550		1
Linear & regional parks	(includes canal enhancements)	$ 2,556,000	1	
Bridges		$ 3,200,000	1	2
Support facilities	Fire, police,	$ 2,050,000	1	
Town center amenities, plazas & signage	Landscaping, gateways, other features	$ 9,444,500		1
Other project improvements	Site specific subdivision infrastructure	$ 60,000,000		1
	SUBTOTAL	$ 78,651,050		
Proposed off site improvements				
SR 776 and US 41 Frontage	Lane enhancements, signalization and landscaping improvements	$1,731,700	1	2
Demolition and Clearance				
Structures, pavements, wells, and septic systems	Clearance, removal and abandonment of all existing structures and systems	$3,836,000	1	2
Contingency				
Anticipated needs for budget modifications	15%	$16,271,212	1	2
	GRAND TOTAL	**$124,745,962**		

APPENDIX I

MAP OF COMMUNITY REDEVELOPMENT AREA


MURDOCK WEST
Sketch of Legal Description
1,000
Feet
POB
01
02
03
04
06
07
10
11
12
13
14
15
18
Flamingo Waterway
Como Waterway
Cypress Waterway
Bass Lake Waterway
Kirkman Waterway
FLAMINGO BLVD
O'DONNELL BLVD
ENTERPRISE DR
MURDOCK CIR
COLLINGSWOOD BLVD
G.I.S.

1

2

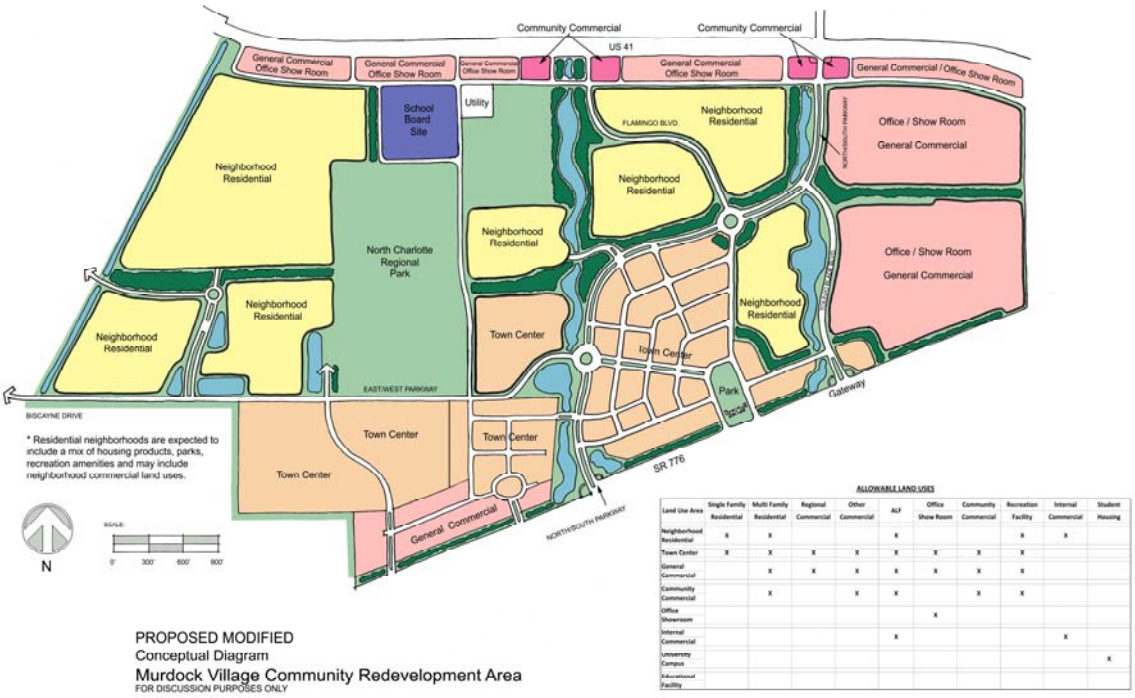
APPENDIX J

CONCEPTUAL DIAGRAM

OF COMMUNITY REDEVELOPMENT AREA

CONCEPTUAL DIAGRAM

OF COMMUNITY REDEVELOPMENT AREA



ALLOWABLE LAND USES

Land Use Area	Single Family Residential	Multi Family Residential	Regional Commercial	Other Commercial	ALF	Office Show Room	Community Commercial	Recreation Facility	Internal Commercial	Student Housing
Neighborhood Residential	x	x			x			x	x	
Town Center	x	x	x	x	x	x	x	x		
General Commercial		x	x	x	x	x	x	x		
Community Commercial		x		x	x		x	x		
Office Showroom						x				
Internal Commercial					x				x	
University Campus										x
Educational Facility										

This conceptual diagram represents a graphical depiction of the primary street network, land uses, recreation facilities, public areas and open space for capital budgeting purposes in addition to further articulating the vision contained in this Community Redevelopment Plan. The elements shown on the conceptual diagram are intended to be illustrative of a potential community redevelopment scheme. The elements shown may be relocated or realigned in future planning initiatives so as long as modifications are generally consistent with the vision articulated in this Community Redevelopment Plan.

APPENDIX K

FINANCIAL ASSUMPTIONS AND RESULTS

1

Financial Indicator	Base Case	Medium Case	High Case
ASSUMPTIONS:			
Average Single Family Value	$150,000	$200,000	$250,000
Average Multi-family Value	$150,000	$200,000	$200,000
Average Assisted Living Value	$150,000	$150,000	$150,000
Average Commercial Values	$100 - $120 /SF	$100 - $120 /SF	$100 - $120 /SF
RESULTS:			
Total Project Taxable Value (at build-out, less exemptions)	$625,000,000	$800,000,000	$900,000,000
Annual Tax Increment at Build-out	$3,000,000	$4,000,000	$4,500,000
First Ten-year Tax Increment	$19,000,000	$24,000,000	$28,000,000
"Greenfield" Market Value Range (2004 value, no costs included)	$45-$50,000,000	$55-$60,000,000	$65-$70,000,000
EACH SCENARIO INCLUDES:			
Single Family Units	2,200		
Multi-family Units	1,400		
Assisted Living Units	350		
Office Space (SF)	300,000		
Retail Space (SF)	100,000		
Mixed-use Space (SF)	450,000		
Developed Acres	740		
Open Space and Public Facilities - Acres	360		

2

APPENDIX L

CHARACTER SKETCHES

CHARACTER SKETCH OF TOWN CENTER

This sketch is intended to be an illustrative depicting a potential community redevelopment scheme further articulating the vision described in this Community Redevelopment Plan.

CHARACTER SKETCH OF

PARKWAY AT THE TOWN CENTER

This sketch is intended to be an illustrative depicting a potential community redevelopment scheme further articulating the vision described in this Community Redevelopment Plan.