

4-16-96
R-367-96

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT (the "Agreement"), made this 16 day of APRIL, 1996, by and between Metropolitan Dade County, a political subdivision of the State of Florida (the "County"), and the City of Florida City, a municipal corporation under the laws of the State of Florida (the "City").

WITNESSETH:

WHEREAS, by Resolution No. R-700-95 adopted May 16, 1995 (the "Initial Resolution") the County has, among other things, delegated certain powers conferred on the Board of County Commissioners of Dade County (the "Board") by Part III of Chapter 163, Florida Statutes, to the City Commission of the City of Florida City (the "City Commission"), to redevelop portions of the City which were destroyed by Hurricane Andrew, develop a community redevelopment plan for the project area commonly called the Florida City Redevelopment Area (the "CRA") and to establish a community redevelopment agency; and

WHEREAS, pursuant to this delegation, the City has created a community redevelopment agency, known as The Florida City Community Redevelopment Agency (the "Agency"), and has approved a community redevelopment plan, known as The Florida City Community Redevelopment Plan (the "Plan") for the development of the CRA; and

WHEREAS, by Resolution No. R-795-95 adopted on June 6, 1995, the County has, among other things, ratified and approved the Plan; and

WHEREAS, by Ordinance No. 95-108 enacted on June 20, 1995, the Board has approved the creation of a community redevelopment trust fund known as The Florida City Community Redevelopment and Revitalization Trust Fund (the "Fund") which provides for calculation and appropriation of tax increment funds; and

WHEREAS, the boundaries identified for the CRA are within the corporate limits of the City; and

WHEREAS, the City played the major role in the preparation of the Plan; and

WHEREAS, the County and the City desire to delineate their areas of responsibility with respect to the redevelopment of the CRA.

NOW, THEREFORE, the County, through the Board, and the City, through the City Commission, agree as follows:

I. Delegation of Powers.

A. With the exception of the community redevelopment powers that continue to vest in the Board pursuant to Section 163.358, Florida Statutes, the City Commission, either directly or through the Agency, shall have the sole right and responsibility to exercise the following redevelopment powers specifically delegated by the Board pursuant to Part III of Chapter 163, Florida Statutes:

(1) The power to make and execute contracts and other instruments necessary or convenient to the exercise of its powers pursuant to Chapter 163, Part III, Florida Statutes (1993).

(2) The power to disseminate slum clearance and community redevelopment information.

(3) The power to undertake and carry out community redevelopment and related activities within the CRA, which redevelopment may include:

(a) Acquisition of a slum area or a blighted area or portion thereof.

(b) Demolition and removal of buildings and improvements.

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the CRA and the community redevelopment objectives in accordance with the Plan.

(4) The power to dispose of any property acquired in the CRA at its fair value for uses in accordance with the Plan.

(5) The power to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the Plan.

(6) The power to acquire real property in the CRA which, under the community Plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

(7) The power to acquire any other real property in the CRA when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

(8) The power to acquire, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such

blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(9) The power to construct foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(10) The power to provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(11) Within the CRA:

(a) The power to enter into any building or property in the CRA in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

* → (b) The power to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise any real property (or personal property for its administrative purposes), together with any improvements thereon; except that the Agency may not exercise any power of eminent domain unless the exercise has been specifically approved by the City Commission;

(c) The power to hold, improve, clear, or prepare for redevelopment any such property;

(d) The power to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;

(e) The power to insure or provide for the insurance of any real or personal property or operations of the City against any risks or hazards, including the power to pay premiums on any such insurance;

(f) The power to enter into any contracts necessary to effectuate the purposes of Chapter 163, Part III, Florida Statutes (1993);

(g) The power to solicit requests for proposals for redevelopment of parcels of real property contemplated by the Plan to be acquired for redevelopment purposes by the Agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to Section 163.380, Florida Statutes (1993) prior to acquisition of such real property by the Agency.

(12) The power to invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to Section 163.385, Florida Statutes, (1993) at the redemption price established therein or to purchase such bonds at less than the redemption price, all such bonds so redeemed or purchased to be canceled.

(13) The power to borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of Chapter 163, Part III, Florida Statutes, (1993) and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws

as the City deems reasonable and appropriate which are not inconsistent with the purposes of Chapter 163, Part III, Florida Statutes (1993).

(14) Within its area of operation, the power to make or have made all surveys and plans necessary to the carrying out of the purposes of Chapter 163, Part III, Florida Statutes (1993); to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

(a) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

(b) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

(c) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(15) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(16) The power to apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(17) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from the CRA and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(18) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of Chapter 163, Part III, Florida Statutes (1993); to zone or rezone any part of the City or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by City pursuant to any of the powers granted by Chapter 163, Part III, Florida Statutes (1993).

(19) The power to close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the City.

(20) Within its area of operation, the power to organize, coordinate, and direct the administration of the provisions of Chapter 163, Part III, Florida Statutes (1993) as they may apply to the City, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within the City may be most effectively promoted and achieved and to establish such new office or offices of the City or to reorganize existing offices in order to carry out such purpose most effectively.

(21) The power to exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by the Agency, except that the power of eminent domain may not be exercised by the Agency unless the City Commission has specifically approved same.

II. Implementation of the Plan.

A. These redevelopment powers may be exercised only with respect to the CRA and only with respect to the Plan as accepted by the City Commission and approved by the Board, together with any supplements or amendments to the Plan, provided that any amendments and supplements to the Plan must also be approved by the Board, which approval will not be unreasonably withheld or delayed.

B. No more than ten percent (10%) of the funds contemplated to be expended under the Plan shall be used for total administrative expenses allowable under Section 163.387(6)(a), Florida Statutes (1993) (including indirect and overhead expenses which may not exceed six percent (6%) of such funds contemplated to be spent under the Plan).

III. City/County Coordination.

A. The County Manager shall designate a CRA Coordinator (the "CRA Coordinator"). The CRA Coordinator shall serve as the County's liaison to the City for the CRA. The CRA Coordinator shall carry out the day-to-day County responsibilities for the CRA and shall be the designated person to receive all data and reports pertaining to the Plan.

B. The City shall be responsible for implementing and conforming to the Plan, including developing and implementing proposals for indebtedness and bond financing, acquisition, disposition and relocation activities, eminent domain activities, coordination and implementation of the design and construction of public improvements necessary to support the redevelopment of the CRA, and such other projects and activities as are contemplated by the Plan. The City shall deliver copies of all accepted proposals for the CRA to the CRA Coordinator.

C. The CRA Coordinator shall establish and designate membership to a Community Redevelopment Coordinating Committee ("Coordinating Committee"). The Coordinating Committee shall review and make recommendations on modifications and amendments to the Plan and all proposals for indebtedness and bond financing for the CRA. The

CRA Coordinator shall review all proposals prior to review by the Coordinating Committee and the Board.

D. Annual budget and CRA progress reports will be submitted to the County each year by the first business day after the adoption of the budget of the City for that fiscal year. The annual budget shall be subject to review and approval by the Board, provided however, that any such approval will not be unreasonably withheld or delayed. With the exception of the debt service payment on current bond obligations financed by tax increment revenues, no funds may be expended by the City or the Agency, as the case may be, until the annual budget has been approved by the Board. The Coordinating Committee shall initially review the budget and submit recommendations to the County Manager for review and to the Board for final approval. At the request of the County, the City shall submit additional progress reports on the Plan and CRA activities.

E. Once adopted, any amendments and modifications shall become a part of the Plan and the powers delegated to the City Commission, either directly or through the Agency, shall be exercisable with respect to the amendments and supplements.

IV. City Responsibilities.

A. Land Disposition

1. The City shall prepare, or cause to be prepared, land disposition guidelines and procedures for voluntary purchases in accordance with the Plan. These guidelines shall be reviewed and approved by the Coordinating Committee. The City shall be responsible for

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all land acquisition and disposition, including eminent domain. The City shall receive Board approval whenever the City requires the use of eminent domain to acquire any land; however, no prior approval of the County shall be required to proceed with other methods of land acquisition or disposition.

2. The City shall prepare CRA marketing materials and shall be responsible for advertising for developers to submit proposals. The City shall perform the function of evaluating proposals and recommending and selecting a developer according to the Plan for the CRA. The City Manager shall select a "CRA Review Committee" to evaluate all proposals and recommend developers to the City Commission in accordance with the Plan.

3. The City Commission shall approve the selection of one or more developers whose proposal complies with requirements of the Plan and the request for proposals for the CRA. Any disposition of land for the CRA shall be accomplished in accordance with applicable provisions of State law and established City guidelines.

B. Other CRA Activities

1. The City shall be responsible for the administration and funding of all relocation activities. The City shall follow the relocation procedures set forth in Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat 1894 (1971), 42 United States Code, Section 4601, et seq. The City may contract with County agencies to assist in residential relocation.

2. The City shall design and construct public improvements necessary to support the redevelopment of the CRA. Such activities shall comply with applicable State and County laws and regulations relating to affirmative action.

3. All redevelopment activities conducted with respect to the CRA shall be in conformance with the Plan as the same may be amended. Any amendments to the Plan as required by Section 163.361, Florida Statutes (1993), must have prior approval of the Board before the City may implement the changes contemplated by the amendments. Once approved, however, the City may implement the amendments thereto.

C. Project Financing

1. The City shall establish and maintain the Fund, as required by applicable law. Both the City and the County shall deposit annually into the Fund an amount calculated pursuant to Section 163.387, Florida Statutes (1993), and other provisions of applicable law.

2. The City shall develop and promulgate rules, regulations and criteria whereby the Fund may be promptly and effectively administered, including the establishment and the maintenance of books and records and adoption of procedures whereby the City may, expeditiously and without undue delay, utilize such funds in accordance with the approved budget for the CRA.

3. The City shall prepare and submit for County approval at the beginning of each County fiscal year the CRA budget in a format approved by the County.

4. The City shall select financial and legal consultants as necessary to assist in the preparation of the tax increment financing plans.

5. The City may sell bonds and execute notes and other forms of indebtedness, as well as collateral documents, to finance capital improvements deemed necessary by the City for the CRA; however, County approval as to amount, duration and purpose of such bonds, notes or other indebtedness, including advances pledging or obligating tax increment revenues, must be obtained prior to issuance of any such bond, note or other form of indebtedness including advances pledging or obligating tax increment revenues. The County's obligation to annually appropriate to the Fund shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the CRA, have been paid, or for as long as required by applicable law, whichever is later. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to Part III of Chapter 163, Florida Statutes (1993). In any year in which the County appropriates tax increment revenues to the Fund pursuant to Section 163.387(3), Florida Statutes (1993), the City shall promptly disburse the applicable portion of said increment revenues out of the Fund back to the County if and to the extent that such increment revenues are not pledged, obligated or otherwise to be used for repayment of any bond, note or other form of indebtedness or obligation including advances pledging or obligating tax increment revenues; or pledged, obligated or

otherwise to be used for payment or repayment of any expenditure or obligation contemplated by any budget for the CRA or any amendment to the Plan.

D. Citizen Participation

To carry out the citizen participation process, the City shall utilize community groups and seek community involvement and consider citizen input in the development of CRA activities.

E. Project Management, Administration and Coordination

The City shall consider any reasonable request of the County with respect to implementing any plan of action related to the Plan. The City shall develop implementation schedules and timetables for all significant CRA activities as determined by the City, copies of which shall be delivered to the CRA Coordinator. The City shall monitor the implementation schedules and timetables and shall submit annual progress reports to the CRA Coordinator beginning one year from the implementation of this Agreement. The City shall also deliver additional interim reports to the County upon request.

V. City Assurances Regarding Affirmative Action.

As part of this Agreement the City shall follow applicable Federal, State and County laws and regulations concerning affirmative action and race/ethnic/gender conscious concerns.

VI. Amendments.

This Agreement may be amended only by a written agreement signed by the City and the County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their names by their duly authorized officers and the corporate seals to be affixed hereto, all as of the day and year first above written.

WITNESS our hands and seals on this 16 day of April, 1996.

CITY OF FLORIDA CITY, a municipal corporation of the State of Florida

METROPOLITAN DADE COUNTY, a political subdivision of the State of Florida

By: Otis T. Wallace

By: Armando Vidal

Otis T. Wallace,
Acting City Manager

Armando Vidal, P.E.,
County Manager

ATTEST:

By: Meighan J. Pier

By: Elizabeth Franco

Meighan J. Pier,
City Clerk

Deputy Clerk

Approved as to form and legal sufficiency:

Approved as to form and legal sufficiency:

Lloyd S. Marks

Lloyd S. Marks,
City Attorney

County Attorney

