Resolution No. 20-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE FRONT BEACH ROAD REDEVELOPMENT AREA; PROVIDING FOR FINDINGS; RATIFYING, CONFIRMING AND RE-ADOPTING THE FIRST AMENDMENT TO THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 30, 2000, the City Council of the City of Panama City Beach, Florida, (the “City”) created the Panama City Beach Community Redevelopment Agency (the “Agency”) pursuant to Resolution No. 00-23 and declared that the City Council shall sit ex-officio as the governing body of the Agency; and subsequently reestablished the Agency, if necessary, and ratified and confirmed such action on June 20, 2002 pursuant to Resolution 02-26; and

WHEREAS, on June 21, 2001, by Resolution 01-25 the City Council and ex-officio as governing body of the Panama City Beach Community Redevelopment Agency, determined the Front Beach Road Community Redevelopment Area, as therein depicted, and made a finding of necessity as set forth in Section 163.355, Florida Statutes, with respect to the Front Beach Road Community Redevelopment Area; and subsequently ratified and confirmed such actions on June 20, 2002 pursuant to Resolution 02-27; and

WHEREAS, on July 26, 2001, by Resolution 01-32, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, expressed its intention to adopt the Front Beach Road Community Redevelopment Plan and the Front Beach Road Community Redevelopment Trust Fund Ordinance Pursuant
to Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or "Act"), and directed and authorized the preparation of notices and setting of hearings concerning such actions; and

WHEREAS, on July 30, 2001, by its Resolution 01-02, the Planning Board of the City of Panama City Beach, Florida, determined that the Front Beach Road Community Redevelopment Plan conformed to the City of Panama City Beach Comprehensive Growth Development Plan; and

WHEREAS, on August 30, 2001, by its Resolution 01-41, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, made certain findings and approved and adopted the Front Beach Road Community Redevelopment Plan dated August 2001 (the "Plan") and subsequently ratified and confirmed such action on June 20, 2002 by Resolution 02-28; and

WHEREAS, on August 8, 2019, by its Resolution 19-126, the City Council as the governing body that created the Agency, approved the continued existence of the Agency until the completion of the roadways and streetscapes contemplated in the Plan; and

WHEREAS, on September 26, 2019, by its Resolution 19-140, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, made certain findings and approved and adopted the First Amendment to the Front Beach Road Community Redevelopment Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, AS FOLLOWS:

SECTION 1. FINDINGS. It is ascertained, determined and declared as follows:

(A) The Agency has submitted the First Amendment to the Front Beach Road Community Redevelopment Plan to the City and each taxing authority that levies ad valorem taxes on taxable real property contained within the Front Beach Road Community Redevelopment Area described therein. Proof of notice,
publication and mailing of such submittals is attached as Exhibit A to Resolution No. 19-140, adopted September 26, 2019. Proof of notice, publication and mailing of a second notice that the City and Agency intended to consider ratification, confirmation and readoption of the First Amendment to the Front Beach Road Community Redevelopment Plan, in materially the same form and content as the Plan adopted August 30, 2001 is attached hereto as Exhibit A. All such governmental entities and all interested persons affected were afforded an opportunity to present oral and written comments at a duly noticed public hearing conducted by the City, and ex-officio as the Agency, on September 26, 2019, and subsequently on November 14, 2019.

(B) As a result of a review of the First Amendment of the Plan and consideration of input at the public hearings, the City Council, and ex-officio in its capacity as the governing body of the Agency, finds and ratifies and confirms its prior findings, that:

(1) The projects and purposes contemplated in the Front Beach Road Community Redevelopment Plan adopted in August 30, 2001, cannot be fully realized by the expiration of that plan in 2031, due to, among other things: the significant resources necessary to design, acquire right of way, permit and construct each transportation project; and

(2) Though the Agency and City have made much progress implementing the three primary purposes of the Front Beach Road Community Redevelopment Plan, and to a lesser extent, the three secondary purposes of the Plan, the City finds that the completion of the streetscape and transportation projects are the best measurement of the community redevelopment progress, and the truest indicator of the time necessary to see the purposes of the plan fully realized; and

(3) Since 2002, the Agency has:
   (A) Completed the following contemplated streetscape projects:
      (i) Churchwell Road;
      (ii) Beckrich Road n/k/a Richard Jackson Boulevard;
      (iii) Powell Adams Segment 1;
      (iv) South Thomas Drive, Front Beach Road Segment 1 (from Middle Beach to South Thomas Drive);
(v) Front Beach Road Segment 2 (from South Thomas Drive to REJ Boulevard);

(B) Undertaken the preliminary designs for the following contemplated streetscape projects to be constructed:
   (i) Front Beach Road Segment 3/Hwy 79;
   (ii) Alf Coleman Phase 1;
   (iii) Powell Adams Phase 2;
   (iv) Front Beach Road Segment 4.1 (1.35 miles from Lullwater Drive to Hills Road);

(C) Yet to be able to undertake adequate preparations for the design and construction of the following streetscape projects:
   (i) Front Beach Road Segment 4.2 (1.41 miles from Hills Road to Hutchison Boulevard);
   (ii) Front Beach Road Segment 4.3 (1.81 miles from Hutchison Boulevard to REJ Boulevard);
   (iii) Front Beach Road Segment 5 (1.68 miles from Hwy 79 to Cobb Road);
   (iv) Cobb Road;
   (v) Hills Road;
   (vi) Nautilus Street;
   (viii) Clara Avenue;
   (ix) North Thomas Drive; and

(4) Agency staff and advisors can only estimate that Front Beach Road Segment 3, 4.1, 4.2 and 4.3, Alf Coleman Phase I, and Powell Adams could be completed by 2031 based on estimated Trust Fund income (after debt service); and

(5) Agency staff and advisors can only estimate that the balance of the streetscape and transportation projects could likely be completed no later than 2049, but no earlier than 2041; and

(6) On August 8th, 2019, the City Council as the governing body that created the Agency, approved in Resolution 19-126 the continued existence of the Agency until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and
(7) The Agency necessarily recommends the Front Beach Road Community Redevelopment Plan, adopted August 20, 2001, by Resolution 01-41, be amended to revise the time certain for completing the streetscape and transportation projects; and

(8) Section 163.362(10), Florida Statutes (2019) requires community redevelopment plans to “provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.”; and

(9) The Agency and the Front Beach Road Community Redevelopment Plan were both created prior to July 1, 2002, the Agency and the Front Beach Road Community Redevelopment Plan, as a matter of law, are not subject to the 40 year limitation set forth in s. 163.361(10); and

(10) The Agency and City find and determine that amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted; and

(11) Pursuant to the requirements of ss. 163.346 and 163.361(2), Florida Statutes, the City and Agency properly noticed and held a properly advertised public hearing on the proposed modification on September 26, 2019.

(C) The City and the Agency hereby adopt, ratify and confirm all prior determinations that:

(1) The Agency shall continue in existence until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and
(2) Amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted.

SECTION 2. APPROVAL OF THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN.

(A) The First Amendment to the Front Beach Road Community Redevelopment Plan, dated September 26, 2019, which is attached hereto and incorporated herein by reference as Exhibit B, is hereby approved, and its prior approval and adoption is ratified and confirmed in all respects, and said First Amendment shall be implemented in a manner consistent therewith. Upon adoption hereof, the First Amendment shall be deemed to be adopted, ratified, confirmed, and in full force and effect for the Redevelopment Area.

(B) The adoption of this Resolution shall be liberally construed to comply with the content, notice, review, comment and approval requirements required by Part III, Chapter 163, Florida Statutes.

(C) 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.

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

(E) It is not the City's intention, and nothing herein shall be so construed, to impair the effectiveness of any prior action or resolution taken or adopted by the City Council, or ex-officio as governing body of the Panama City Beach Community Redevelopment Agency, with respect to the creation and establishment of the Panama City Beach Community Redevelopment Agency, any previously adopted community redevelopment plan, or any other action taken by such governmental
bodies.

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

ADOPTED this 14th day of November, 2019.

CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY

ATTEST:

Mary Jan Bossert, City Clerk, and Ex-Officio as Clerk to the Agency
EXHIBIT A

COMPOSITE PROOF OF PUBLICATION AND MAILING
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Amy E. Myers, who after being duly sworn, deposes and says:

1. I am the City Attorney of City of Panama City Beach, Florida (the "City").

2. Pursuant to the authority and direction received from the City Council, I timely directed the preparation, mailing, and publication of notices in accordance with sections 163.346, Florida Statutes.

3. Public notice was published in The Panama City News Herald on October 31, 2019; a copy of proof of publication of same being attached hereto as Exhibit A-1. Notices were sent by registered mail on October 29, 2019, to the following taxing authorities: Board of County Commissioners; City of Panama City Beach, Florida; Beach Mosquito Control District; Bay District School Board; and Northwest Florida Water Management District. A copy of such notice mailed is attached as composite Exhibit A-2.

FURTHER AFFIANT SAYETH NOT.

Amy E. Myers, City Attorney, Affiant

STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 8th day of November, 2019 by Amy E. Myers, City Attorney, City of Panama
City Beach, Florida. She is personally known to me or has produced a driver's license as intention and did take an oath.

Printed/Typed Name: Cindy Kittler
Notary Public-State of Florida
Commission Number: GC 182899
Commission Expires: Mar 9, 2022
The News Herald

501 W. 11th Street
P.O. Box 1940, Panama City, FL 32401
Published Daily
Panama City, Bay County, Florida

State of Florida
County of Bay

Before the undersigned authority personally appeared Susan Collins, who

on oath says that she is a Legal Advertising Representative of The News

Herald, a newspaper published at Panama City in Bay County, Florida; that

the attached copy of advertisement, being a Legal Advertisement #25030 in

the matter of NOTICE OF PUBLIC HEARING in the Bay County Court, was

published in said newspaper in the issue of October 31, 2019.

Affiant further says that the said The News Herald is a newspaper published at
Panama City, in said Bay County, Florida, is a direct successor of the Panama City
News and that the said newspaper, together with its direct predecessor, has
heretofore been continuously published in said Bay County, Florida, each day (except
that the predecessor, Panama City News, was not published on Sundays) and has
been entered as periodicals matter at the post office in Panama City, in said Bay
County, Florida, for a period of one year next preceding the first publication of the
attached copy of advertisement, and affiant further says that (b) she has neither paid
nor promised any person, firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for publication in said
newspaper.

Susan Collins

State of Florida
County of Bay
Sworn to and subscribed before me this 31st day of October, A.D., 2019.
By Susan Collins, Legal Advertising Representative of The News Herald,
who is personally known to me or has produced N/A as identification.

Notary Public, State of Florida at Large

ELIZABETH J. KIRKLAND
Notary Public - State of Florida
My Comm. Expires: Jun 10, 2021

A copy of Resolution 19-146, the Front Beach Road Community Redevelopment
Plan and the proposed rezoning rezoning, confirming and
re-adopting the First Amendment of the Front Beach Road
Community Redevelopment Plan, are also
available for inspection at the office of the City Clerk at City Hall.

If a person decides to appeal any decision made by the City Council with respect to
testimony made, any matter considered, such person will need a
record of the proceedings and may need to
ensures that a verbatim record is made, including
the testimony and evidence upon which the appeal is to be

made.

In accordance with the
Americans with Disabilities
Act, persons needing a special accommodation or an inter-
preter to participate in this proceeding should contact the City Clerk’s
office at 850-833-6100 or
mjohnson@panamacityfl.com at least
two days prior to the date of the hearing.

MARY JAN BOSSERT,
CITY CLERK PANAMA CITY BEACH, FLORIDA
EX-OFFICIO CLERK TO THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY
BY REGISTERED MAIL:
Robert Majka, Jr., County Manager
Board of County Commissioners
840 West 11th Street
Panama City, FL 32401

William Husfelt, III, Superintendent
Bay District School Board
1311 Balboa Avenue
Panama City, FL 32401

Northwest Florida Water Management
District Headquarters
Attention: Executive Director
81 Water Management Drive
Havana, FL 32333

Notice of public hearing to ratify, confirm and re-adopt the First Amendment to the Front Beach Road Community Redevelopment Plan intended to advance and implement the Front Beach Road Community Redevelopment Plan as originally adopted; provided by registered mail in compliance with section 163.346, Florida Statutes.

Re:

Dear Sirs:

As required by Section 163.346, Florida Statutes, and the direction of the City Council, Ex-Officio the Panama City Beach Community Redevelopment Agency, notice is given by the City, and ex-officio as the Panama City Beach Community Redevelopment Agency, that it intends to hold a public hearing to ratify, confirm and re-adopt the First Amendment to the Front Beach Road Community Redevelopment Plan, in materially the same form and content as adopted by Resolution 19-140 on September 26, 2019.
October 29, 2019
Ratification of Resolution 19-140

The First Amendment to the Front Beach Road Community Redevelopment Plan extends the duration of the Plan to September 30, 2049, and does not materially alter the purpose or objectives of the original Front Beach Road Community Redevelopment Plan.

A public hearing will be held at 6:00 P.M. on November 14, 2019, at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413, for the purpose of receiving public comment on the proposed action by the City Council, and Ex-Officio as the Panama City Beach Community Redevelopment Agency.

This notice is provided pursuant to Section 163.346, Florida Statutes. A copy of the Resolution 19-140 approving the First Amendment, the Front Beach Road Community Redevelopment Plan, and the proposed resolution ratifying, confirming and re-adopting the First Amendment of the Front Beach Road Community Redevelopment Plan are available for inspection at the office of the City Clerk.

The City, and Ex-Officio as the Panama City Beach Community Redevelopment Agency, has also provided public notice pursuant to Section 166.041(3), Florida Statutes. This extraordinary notice has been given to all affected taxing authorities which have the power to levy ad valorem taxes on taxable real property contained within the City. The City looks forward to receiving any questions or comments you may offer and encourages your attendance.

Sincerely,

Mario Gisbert
City Manager

Enclosures: Resolution 19-140
Proposed Resolution Ratifying
Resolution No. 20-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE FRONT BEACH ROAD REDEVELOPMENT AREA; PROVIDING FOR FINDINGS; RATIFYING, CONFIRMING AND RE-ADOPTING THE FIRST AMENDMENT TO THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 30, 2000, the City Council of the City of Panama City Beach, Florida, (the "City") created the Panama City Beach Community Redevelopment Agency (the "Agency") pursuant to Resolution No. 00-23 and declared that the City Council shall sit ex-officio as the governing body of the Agency; and subsequently reestablished the Agency, if necessary, and ratified and confirmed such action on June 20, 2002 pursuant to Resolution 02-26; and

WHEREAS, on June 21, 2001, by Resolution 01-25 the City Council and ex-officio as governing body of the Panama City Beach Community Redevelopment Agency, determined the Front Beach Road Community Redevelopment Area, as therein depicted, and made a finding of necessity as set forth in Section 163.355, Florida Statutes, with respect to the Front Beach Road Community Redevelopment Area; and subsequently ratified and confirmed such actions on June 20, 2002 pursuant to Resolution 02-27; and

WHEREAS, on July 26, 2001, by Resolution 01-32, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, expressed its intention to adopt the Front Beach Road Community Redevelopment Plan and the Front Beach Road Community Redevelopment Trust Fund Ordinance Pursuant
to Chapter 163, Part III, Florida Statutes (the “Community Redevelopment Act” or “Act”), and directed and authorized the preparation of notices and setting of hearings concerning such actions; and

WHEREAS, on July 30, 2001, by its Resolution 01-02, the Planning Board of the City of Panama City Beach, Florida, determined that the Front Beach Road Community Redevelopment Plan conformed to the City of Panama City Beach Comprehensive Growth Development Plan; and

WHEREAS, on August 30, 2001, by its Resolution 01-41, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, made certain findings and approved and adopted the Front Beach Road Community Redevelopment Plan dated August 2001 (the “Plan”) and subsequently ratified and confirmed such action on June 20, 2002 by Resolution 02-28; and

WHEREAS, on August 8, 2019, by its Resolution 19-126, the City Council as the governing body that created the Agency, approved the continued existence of the Agency until the completion of the roadways and streetscapes contemplated in the Plan; and

WHEREAS, on September 26, 2019, by its Resolution 19-140, the City Council and ex-officio as the Panama City Beach Community Redevelopment Agency, made certain findings and approved and adopted the First Amendment to the Front Beach Road Community Redevelopment Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, AS FOLLOWS:

SECTION 1. FINDINGS. It is ascertained, determined and declared as follows:

(A) The Agency has submitted the First Amendment to the Front Beach Road Community Redevelopment Plan to the City and each taxing authority that levies ad valorem taxes on taxable real property contained within the Front Beach Road Community Redevelopment Area described therein. Proof of notice,
publication and mailing of such submittals is attached as Exhibit A to Resolution No. 19-140, adopted September 26, 2019. Proof of notice, publication and mailing of a second notice that the City and Agency intended to consider ratification, confirmation and readoption of the First Amendment to the Front Beach Road Community Redevelopment Plan, in materially the same form and content as the Plan adopted August 30, 2001 is attached hereto as Exhibit A. All such governmental entities and all interested persons affected were afforded an opportunity to present oral and written comments at a duly noticed public hearing conducted by the City, and ex-officio as the Agency, on September 26, 2019, and subsequently on November 14, 2019.

(B) As a result of a review of the First Amendment of the Plan and consideration of input at the public hearings, the City Council, and ex-officio in its capacity as the governing body of the Agency, finds and ratifies and confirms its prior findings, that:

(1) The projects and purposes contemplated in the Front Beach Road Community Redevelopment Plan adopted in August 30, 2001, cannot be fully realized by the expiration of that plan in 2031, due to, among other things: the significant resources necessary to design, acquire right of way, permit and construct each transportation project; and

(2) Though the Agency and City have made much progress implementing the three primary purposes of the Front Beach Road Community Redevelopment Plan, and to a lesser extent, the three secondary purposes of the Plan, the City finds that the completion of the streetscape and transportation projects are the best measurement of the community redevelopment progress, and the truest indicator of the time necessary to see the purposes of the plan fully realized; and

(3) Since 2002, the Agency has:
   (A) Completed the following contemplated streetscape projects:
   (i) Churchwell Road;
   (ii) Beckrich Road n/k/a Richard Jackson Boulevard;
   (iii) Powell Adams Segment 1;
   (iv) South Thomas Drive, Front Beach Road Segment 1 (from Middle Beach to South Thomas Drive);
(v) Front Beach Road Segment 2 (from South Thomas Drive to REJ Boulevard);

(B) Undertaken the preliminary designs for the following contemplated streetscape projects to be constructed:
   (i) Front Beach Road Segment 3/Hwy 79;
   (ii) Alf Coleman Phase 1;
   (iii) Powell Adams Phase 2;
   (iv) Front Beach Road Segment 4.1 (1.35 miles from Lullwater Drive to Hills Road);

(C) Yet to be able to undertake adequate preparations for the design and construction of the following streetscape projects:
   (i) Front Beach Road Segment 4.2 (1.41 miles from Hills Road to Hutchison Boulevard);
   (ii) Front Beach Road Segment 4.3 (1.81 miles from Hutchison Boulevard to REJ Boulevard);
   (iii) Front Beach Road Segment 5 (1.68 miles from Hwy 79 to Cobb Road);
   (iv) Cobb Road;
   (v) Hills Road;
   (vi) Nautilus Street;
   (viii) Clara Avenue;
   (ix) North Thomas Drive; and

(4) Agency staff and advisors can only estimate that Front Beach Road Segment 3, 4.1, 4.2 and 4.3, Alf Coleman Phase I, and Powell Adams could be completed by 2031 based on estimated Trust Fund income (after debt service); and

(5) Agency staff and advisors can only estimate that the balance of the streetscape and transportation projects could likely be completed no later than 2049, but no earlier than 2041; and

(6) On August 8th, 2019, the City Council as the governing body that created the Agency, approved in Resolution 19-126 the continued existence of the Agency until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and
(7) The Agency necessarily recommends the Front Beach Road Community Redevelopment Plan, adopted August 20, 2001, by Resolution 01-41, be amended to revise the time certain for completing the streetscape and transportation projects; and

(8) Section 163.362(10), Florida Statutes (2019) requires community redevelopment plans to “provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.”; and

(9) The Agency and the Front Beach Road Community Redevelopment Plan were both created prior to July 1, 2002, the Agency and the Front Beach Road Community Redevelopment Plan, as a matter of law, are not subject to the 40 year limitation set forth in s. 163.361(10); and

(10) The Agency and City find and determine that amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted; and

(11) Pursuant to the requirements of ss. 163.346 and 163.361(2), Florida Statutes, the City and Agency properly noticed and held a properly advertised public hearing on the proposed modification on September 26, 2019.

(C) The City and the Agency hereby adopt, ratify and confirm all prior determinations that:

(1) The Agency shall continue in existence until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and
(2) Amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted.

SECTION 2. APPROVAL OF THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN.

(A) The First Amendment to the Front Beach Road Community Redevelopment Plan, dated September 26, 2019, which is attached hereto and incorporated herein by reference as Exhibit B, is hereby approved, and its prior approval and adoption is ratified and confirmed in all respects, and said First Amendment shall be implemented in a manner consistent therewith. Upon adoption hereof, the First Amendment shall be deemed to be adopted, ratified, confirmed, and in full force and effect for the Redevelopment Area.

(B) The adoption of this Resolution shall be liberally construed to comply with the content, notice, review, comment and approval requirements required by Part III, Chapter 163, Florida Statutes.

(C) 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.

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

(E) It is not the City’s intention, and nothing herein shall be so construed, to impair the effectiveness of any prior action or resolution taken or adopted by the City Council, or ex-officio as governing body of the Panama City Beach Community Redevelopment Agency, with respect to the creation and establishment of the Panama City Beach Community Redevelopment Agency, any previously adopted community redevelopment plan, or any other action taken by such governmental
bodies.

SECTION 3. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this ___ day of __________________, 20__

CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY

__________________________
Mike Thomas, Mayor, and Ex-Officio as Chair of the Agency

ATTEST:

__________________________
Mary Jan Bossert, City Clerk, and Ex-Officio as Clerk to the Agency
EXHIBIT A

COMPOSITE PROOF OF
PUBLICATION AND MAILING
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Amy E. Myers, who after being duly sworn, deposes and says:

1. I am the City Attorney of City of Panama City Beach, Florida (the "City").

2. Pursuant to the authority and direction received from the City Council, I timely directed the preparation, mailing, and publication of notices in accordance with sections 163.346, Florida Statutes.

3. Public notice was published in The Panama City News Herald on October 31, 2019; copies of proofs of publication (2) of same being attached hereto as Exhibit A-1. Notices were sent by registered mail on October 29, 2019, to the following taxing authorities: Board of County Commissioners; City of Panama City Beach, Florida; Beach Mosquito Control District; Bay District School Board; and Northwest Florida Water Management District. A copy of such notice mailed is attached as composite Exhibit A-2.

FURTHER AFFIANT SAYETH NOT.

Amy E. Myers, City Attorney, Affiant

STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ___ day of November, 2019 by Amy E. Myers, City Attorney, City of Panama.
City Beach, Florida. She is personally known to me or has produced a driver's license as intention and did take an oath.

Printed/Typed Name: _______________________
Notary Public-State of _______________________
Commission Number: _______________________
Commission Expires: _______________________
EXHIBIT B
RESOLUTION 19-140
FIRST AMENDMENT TO THE
FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN
RESOLUTION 19-140

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE FIRST AMENDMENT OF THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN TO EXTEND THE PLAN'S DURATION; MAKING FINDINGS OF FACT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on or about November 30, 2000, the City Council of the City of Panama City Beach, Florida, created the Panama City Beach Community Redevelopment Agency (the "Agency") pursuant to Resolution No. 00-23 and declared that the City Council shall sit ex officio as the governing body of the Agency; and

WHEREAS, the City, acting as the Agency, oversees two community redevelopment areas: The Pier Park community redevelopment area and its associated community redevelopment plan adopted for the purpose of designing, financing, developing and maintaining Aaron Bessant Park, the City Pier and adjacent land into a thriving economic town center and entertainment area; and The Front Beach Road community redevelopment area and its associated community redevelopment plan adopted for the purpose of rehabilitating and redeveloping aging scenic corridors and public transportation facilities in a coastal community, among other things; and

WHEREAS, these community redevelopment initiatives have been successful—Pier Park has been developed and has turned the blighted Wayside Park into a bustling commercial and recreational city center, while the Front Beach Road community redevelopment initiative has completed streetscape and transportation projects that have fostered private redevelopment and improvement of properties; and

WHEREAS, the Pier Park redevelopment area and Plan will likely complete its mission in the near future, but the projects and purposes contemplated in the Front Beach Road Community Redevelopment Plan adopted in August 30, 2001, cannot be fully realized by the expiration of that plan in 2031, due to, among other things: the significant resources necessary
to design, acquire right of way, permit and construct each transportation project; and

WHEREAS, though the Agency and City have made much progress implementing the three primary purposes of the Front Beach Road Community Redevelopment Plan, and to a lesser extent, the three secondary purposes of the Plan, the City finds that the completion of the streetscape and transportation projects are the best measurement of the community redevelopment progress, and the truest indicator of the time necessary to see the purposes of the plan fully realized; and

WHEREAS, since 2002, the Agency has:

(1) completed the following contemplated streetscape projects:
   (a) Churchwell Road;
   (b) Beckrich Road n/k/a Richard Jackson Boulevard;
   (c) Powell Adams Segment 1;
   (d) South Thomas Drive, Front Beach Road Segment 1 (from Middle Beach to South Thomas Drive);
   (e) Front Beach Road Segment 2 (from South Thomas Drive to REJ Boulevard);

(2) undertaken the preliminary designs for the following contemplated streetscape projects to be constructed:
   (a) Front Beach Road Segment 3/Hwy 79;
   (b) Alf Coleman Phase 1;
   (c) Powell Adams Phase 2;
   (d) Front Beach Road Segment 4.1 (1.35 miles from Lullwater Drive to Hills Road);

(3) yet to be able to undertake adequate preparations for the design and construction of the following streetscape projects:
   (a) Front Beach Road Segment 4.2 (1.41 miles from Hills Road to Hutchison Boulevard);
   (b) Front Beach Road Segment 4.3 (1.81 miles from Hutchison Boulevard to REJ Boulevard);
   (c) Front Beach Road Segment 5 (1.88 miles from Hwy 79 to Cobb Road);
   (d) Cobb Road;
   (e) Hills Road;
   (f) Nautilus Street;
   (g) Clara Avenue;
   (h) North Thomas Drive; and
WHEREAS, Agency staff and advisors can only estimate that Front Beach Road Segment 3, 4.1, 4.2 and 4.3, Alf Coleman Phase I, and Powell Adams could be completed by 2031 based on estimated Trust Fund income (after debt service); and

WHEREAS, Agency staff and advisors can only estimate that the balance of the streetscape and transportation projects could likely be completed no later than 2049, but no earlier than 2041; and

WHEREAS, on August 8th, 2019, the City Council as the governing body that created the Agency, approved in Resolution 19-126 the continued existence of the Agency until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and

WHEREAS, the Agency necessarily recommends the Front Beach Road Community Redevelopment Plan, adopted August 20, 2001, by Resolution 01-41, be amended to revise the time certain for completing the streetscape and transportation projects; and

WHEREAS, Section 163.362(10), Florida Statutes (2019) requires community redevelopment plans to “provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.”; and

WHEREAS, the Agency and the Front Beach Road Community Redevelopment Plan were both created prior to July 1, 2002, the Agency and the Front Beach Road Community Redevelopment Plan, as a matter of law, are not subject to the 40 year limitation set forth in s. 163.361(10); and

WHEREAS, the Agency and City find and determine that amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted; and
WHEREAS, pursuant to the requirements of ss. 163.346 and 163.361(2), Florida Statutes, the City and Agency properly noticed and held a properly advertised public hearing on the proposed modification on September 26, 2019; and

WHEREAS, pursuant to the requirements of s. 163.362(3), Florida Statutes, the City, acting as the Agency, has reported the proposed modification to each taxing authority.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. Findings. The City Council finds, declares and determines that the matters set forth in the foregoing recitals are true and correct and are incorporated herein as part of this Resolution.

Section 2. Amendment.
(A) The City Council does hereby adopt the following First Amendment to the Front Beach Road Community Redevelopment Plan:

Section 6.04 DURATION OF THE PLAN.
The redevelopment initiatives and work program described in the Front Beach Road Community Redevelopment Plan are expected to be funded through tax increment revenues and must be completed no later than September 30, 2049. 30 years after the Front Beach Road Community Redevelopment Plan is approved, adopted or amended.

(B) Except as modified and amended herein, the Front Beach Road Community Redevelopment Plan shall remain in full force and effect.

Section 3. This Resolution shall take effect immediately upon its approval by the City Council.

PASSED, APPROVED AND ADOPTED in regular session this day of September, 2019.
CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY

ATTEST:

Mary Jan Bozart
City Clerk, and Ex-Officio as Clerk to the Agency

Mayor, and Ex-Officio as Chair of the Agency
EXHIBIT B
RESOLUTION 19-140
FIRST AMENDMENT TO THE
FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN
RESOLUTION 19-140

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE FIRST AMENDMENT OF THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT PLAN TO EXTEND THE PLAN’S DURATION; MAKING FINDINGS OF FACT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on or about November 30, 2000, the City Council of the City of Panama City Beach, Florida, created the Panama City Beach Community Redevelopment Agency (the “Agency”) pursuant to Resolution No. 00-23 and declared that the City Council shall sit ex officio as the governing body of the Agency; and

WHEREAS, the City, acting as the Agency, oversees two community redevelopment areas: The Pier Park community redevelopment area and its associated community redevelopment plan adopted for the purpose of designing, financing, developing and maintaining Aaron Bessant Park, the City Pier and adjacent land into a thriving economic town center and entertainment area; and The Front Beach Road community redevelopment area and its associated community redevelopment plan adopted for the purpose of rehabilitating and redeveloping aging scenic corridors and public transportation facilities in a coastal community, among other things; and

WHEREAS, these community redevelopment initiatives have been successful—Pier Park has been developed and has turned the blighted Wayside Park into a bustling commercial and recreational city center, while the Front Beach Road community redevelopment initiative has completed streetscape and transportation projects that have fostered private redevelopment and improvement of properties; and

WHEREAS, the Pier Park redevelopment area and Plan will likely complete its mission in the near future, but the projects and purposes contemplated in the Front Beach Road Community Redevelopment Plan adopted in August 30, 2001, cannot be fully realized by the expiration of that plan in 2031, due to, among other things: the significant resources necessary
to design, acquire right of way, permit and construct each transportation project; and

WHEREAS, though the Agency and City have made much progress implementing the three primary purposes of the Front Beach Road Community Redevelopment Plan, and to a lesser extent, the three secondary purposes of the Plan, the City finds that the completion of the streetscape and transportation projects are the best measurement of the community redevelopment progress, and the truest indicator of the time necessary to see the purposes of the plan fully realized; and

WHEREAS, since 2002, the Agency has:
(1) completed the following contemplated streetscape projects:
   (a) Churchwell Road;
   (b) Beckrich Road n/k/a Richard Jackson Boulevard;
   (c) Powell Adams Segment 1;
   (d) South Thomas Drive, Front Beach Road Segment 1 (from Middle Beach to South Thomas Drive);
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(2) undertaken the preliminary designs for the following contemplated streetscape projects to be constructed:
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   (b) Alf Coleman Phase 1;
   (c) Powell Adams Phase 2;
   (d) Front Beach Road Segment 4.1 (1.35 miles from Lullwater Drive to Hills Road);

(3) yet to be able to undertake adequate preparations for the design and construction of the following streetscape projects:
   (a) Front Beach Road Segment 4.2 (1.41 miles from Hills Road to Hutchison Boulevard);
   (b) Front Beach Road Segment 4.3 (1.81 miles from Hutchison Boulevard to REJ Boulevard);
   (c) Front Beach Road Segment 5 (1.68 miles from Hwy 79 to Cobb Road);
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   (e) Hills Road;
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   (g) Clara Avenue;
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WHEREAS, Agency staff and advisors can only estimate that Front Beach Road Segment 3, 4.1, 4.2 and 4.3, Alf Coleman Phase I, and Powell Adams could be completed by 2031 based on estimated Trust Fund income (after debt service); and

WHEREAS, Agency staff and advisors can only estimate that the balance of the streetscape and transportation projects could likely be completed no later than 2049, but no earlier than 2041; and

WHEREAS, on August 8th, 2019, the City Council as the governing body that created the Agency, approved in Resolution 19-126 the continued existence of the Agency until the completion of the Roadways and Streetscapes contemplated in the Front Beach Road Community Redevelopment Plan; and

WHEREAS, the Agency necessarily recommends the Front Beach Road Community Redevelopment Plan, adopted August 20, 2001, by Resolution 01-41, be amended to revise the time certain for completing the streetscape and transportation projects; and

WHEREAS, Section 163.362(10), Florida Statutes (2019) requires community redevelopment plans to “provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.”; and

WHEREAS, the Agency and the Front Beach Road Community Redevelopment Plan were both created prior to July 1, 2002, the Agency and the Front Beach Road Community Redevelopment Plan, as a matter of law, are not subject to the 40 year limitation set forth in s. 163.361(10); and

WHEREAS, the Agency and City find and determine that amendment of the Front Beach Road Community Redevelopment Plan to extend its duration is necessary and desirable to accomplish a paramount public purpose resulting from the full realization of the purposes and intent of the Front Beach Road Community Redevelopment Plan as adopted in 2001, but that no other amendment to the Plan is presently warranted; and
WHEREAS, pursuant to the requirements of ss. 163.346 and 163.361(2), Florida Statutes, the City and Agency properly noticed and held a properly advertised public hearing on the proposed modification on September 26, 2019; and

WHEREAS, pursuant to the requirements of s. 163.362(3), Florida Statutes, the City, acting as the Agency, has reported the proposed modification to each taxing authority.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. Findings. The City Council finds, declares and determines that the matters set forth in the foregoing recitals are true and correct and are incorporated herein as part of this Resolution.

Section 2. Amendment.
(A) The City Council does hereby adopt the following First Amendment to the Front Beach Road Community Redevelopment Plan:

Section 6.04 DURATION OF THE PLAN.
The redevelopment initiatives and work program described in the Front Beach Road Community Redevelopment Plan are expected to be funded through tax increment revenues and must be completed no later than September 30, 2049, 30 years after the Front Beach Road Community Redevelopment Plan is approved, adopted or amended.

(B) Except as modified and amended herein, the Front Beach Road Community Redevelopment Plan shall remain in full force and effect.

Section 3. This Resolution shall take effect immediately upon its approval by the City Council.

PASSED, APPROVED AND ADOPTED in regular session this 26th day of September, 2019.
CITY COUNCIL OF
PANAMA CITY BEACH,
FLORIDA, AND EX-
OFFICIO AS THE
GOVERNING BODY OF
THE PANAMA CITY
BEACH COMMUNITY
REDEVELOPMENT
AGENCY

ATTEST:

Mary Jan Bennett
City Clerk, and Ex-Officio as
Clerk to the Agency

Mayor, and Ex-Officio as
Chair of the Agency