ORDINANCE NO. 08-4832

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA CREATING THE DOWNTOWN IMPROVEMENT DISTRICT; SPECIFYING THE PURPOSE, POWERS, FUNCTIONS AND DUTIES OF THE DISTRICT; SPECIFYING THE GEOGRAPHIC BOUNDARY LIMITATIONS OF THE DISTRICT; SPECIFYING THE AUTHORITY OF THE DISTRICT; EXPLAINING WHY THE DISTRICT IS THE BEST ALTERNATIVE; ESTABLISHING THE MEMBERSHIP, ORGANIZATION, COMPENSATION AND ADMINISTRATIVE DUTIES OF THE GOVERNING BOARD OF THE DISTRICT; STATING THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING AND REPORTING REQUIREMENTS OF THE DISTRICT; STATING THE METHODS FOR FINANCING THE DISTRICT; DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT WITH THE SARASOTA CITY PLAN; REQUIRING THE CITY AUDITOR AND CLERK TO PROVIDE NOTICE OF THE CREATION OF SAID DISTRICT TO THE SARASOTA COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 189.4041, Florida Statutes (2008) provides that a municipality is authorized to create dependent special districts within the boundary lines of the municipality; and

WHEREAS, an ad hoc committee of downtown commercial property owners within the proposed Downtown Improvement District have requested that the City Commission create said District so as to provide increased public services within the District; and

WHEREAS, the City Commission has held a duly noticed public hearing this 3rd day of November, 2008 and, pursuant to Section 189.4041, Florida Statutes (2008) hereby creates the Downtown Improvement District as a dependent special district; and

WHEREAS, this Ordinance shall establish the Charter for the creation and operation of the dependent special district pursuant to Section 189.4041, Florida Statutes (2008).

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Creation. There is hereby created the Downtown Improvement District, hereinafter referred to as the District. The District is created pursuant to authority set forth in Section 189.4041, Florida Statutes (2008). The District shall be a dependent special district of the City of Sarasota, Florida.

Section 2. Purpose, Powers, Functions and Duties. The general purpose, powers, functions and duties of the District will be to improve the Downtown Core of the City of Sarasota. The District will have as its goals the following:

A. Contract with the City to obtain a higher level of service for trash collection, removing litter and graffiti, washing sidewalks, trimming trees and planting flowers.

B. Contract with the City to improve the downtown ambiance with pedestrian scale lighting, street furniture and continuous streetscape reinvestment as well as the care of the trees and flowers.

C. Envision and develop a strategic plan with goals and specific objectives as well as timelines for completion of same.

D. Make recommendations to the City Commission regarding management of private activity in public spaces such as sidewalk vending, street furniture and performances and assist with monitoring code compliance.

E. Make recommendations to the City Commission regarding the public parking system and transient activity within the District.

F. Recruit and retain businesses by offering financial incentives for new and expanding businesses, conducting market research and providing data reports, retail/office space lease and property sales marketing information.

G. Welcome downtown consumers with high visibility uniformed street guides and staffed sidewalk hospitality kiosks.

H. Market the downtown by producing festivals and events, maps, newsletters coordinating sales promotions, image enhancement and advertising campaigns.

The levels of base line services provided by the City within the boundaries of the District will be addressed by the City Commission annually through the budget process. The City hereby acknowledges that it does not intend to use the District to supplant current levels of base line

services. The City, however, cannot guarantee current levels of service during the future of the District. The District will ask the City of Sarasota to levy within the boundaries of the District ad valorem taxes to pay the cost incurred by the District to provide the services set forth above. The District shall present its written budgetary requests to the City Manager and Finance Director of the City of Sarasota annually by April 1. Said request shall include a computation of the funds needed within the District for the upcoming fiscal year so as to meet all of the obligations incurred to provide the services set forth herein.

Section 3. Geographic Boundary Limitations. The geographic boundary limitations of the District are shown as the shaded area on the map attached hereto and incorporated by reference herein as Exhibit A. Generally, the District is bounded on the north by Second Street, on the east by Goodrich Avenue and Pine Place, on the south by Ringling Boulevard, on the southwest by Palm Avenue or the properties on the southwest side of Palm Avenue and on the west by Cocoanut Avenue, although two parcels on the west side of Cocoanut Avenue at Second Street are included within the boundaries of the District. All non-residential parcels of real property located in the shaded area shown on Exhibit A shall be included within the District. A list of all of the non-residential parcels located within the District, by parcel ID number, is attached hereto and incorporated by reference herein as Exhibit B. In the event of any conflict between Exhibit A and Exhibit B, Exhibit A shall control. Exhibit B shall be deemed to be modified and updated as the Sarasota County Property Appraiser creates any new parcel ID numbers or terminates any existing parcel ID numbers with regard to non-residential parcels located within the shaded area shown on Exhibit A. It is the intent of this Ordinance that the District shall always include all non-residential parcels of real property located in the shaded areas depicted on Exhibit A. As such, any modifications or changes made by the Sarasota County Property Appraiser shall be deemed incorporated into this Ordinance.

Section 4. Authority. The authority of the District shall include those powers enumerated herein necessary to provide the enhanced services described in Section 2, above. The District shall be granted only the powers and authority set forth herein and shall not have any additional implied powers or authority. The specific powers and authority hereby delegated by the City Commission to the District are as follows:

A. The District, subject to approval of the City Commission of the City, may retain as an independent contractor a manager who shall be a person of recognized ability and experience, to serve at the pleasure of the Board of Directors. The District may retain through independent contractors those agents as may be necessary for the proper administration of the duties and functions of the District. The District may retain independent contractors through competitive procurement procedures of the City.

B. The District, subject to the approval of the City Commission of the City, may contract for the services of attorneys, engineers, consultants and agents for any lawful purpose of the District. Any such services shall be obtained through the City's procurement process.

C. The District may enter into contracts and agreements and sue and be sued as a body corporate.

D. The District may have and use a corporate seal.

E. The District may accept grants and donations of any type of property, labor or other thing of value from any public or private source.

F. The District may cooperate and contract with other governmental agencies or other public bodies.

G. The District may contract with the City for planning assistance and for increased levels of law enforcement protection and security, including additional personnel.

H. The District may promote and advertise the commercial advantages of the District so as to attract new businesses and encourage the expansion of existing businesses.

I. The District may promote and advertise the District to the public and engage in cooperative advertising programs with businesses located in the District.

J. The District may contract with the City for a higher level of service with regard to street lighting, streets, drainage, utilities and swales, and provide safe access to mass transportation facilities in the District.

K The District may lease real property as a lessee and may own personal property.

L. The District may borrow funds consistent with the Florida Constitution, general and special law and approved, in advance, by the City Commission of the City.

M. The District may contract with the City for administrative services necessary or desirable to carry out the specific purposes of the District set forth in Section 2, above. In such event, the District shall be responsible to the City for the cost of such administrative services.

N. All goods and services obtained by the District shall be obtained through the procurement policies and procedures of the City.

The District shall only have those powers specifically enumerated above and shall not have any implied or incidental powers arising from said enumerated powers.

The District may seek from the City of Sarasota, Florida a levy of ad valorem taxes within the District to pay all costs of the District which include, but are not limited to the cost of the City's administrative support for the District; the cost to construct any capital improvements within the District approved by the City Commission; and the cost to maintain improvements and services within the District at a high level as approved by the City Commission of the City of Sarasota, Florida.

Section 5. Best Alternative. The City Commission hereby finds that the creation of the District is the best alternative available in order to further the purpose of the District. The City Commission specifically finds that the assessment of ad valorem taxes is the most equitable method available to fairly apportion among all non-residential property owners within the District the cost of the enhanced services and improvements set forth in Section 2, above.

Section 6. Governing Board. The District shall be governed by a Board of five members. Each member of the Board of Directors of the District shall be a non-residential property owner subject to ad valorem taxation within the District. In the event the non-residential property owner subject to ad valorem taxation within the District is a corporation, partnership or any other non-natural person, one individual with executive authority within said entity may become a member of the Board of Directors of the District. The Board shall be

appointed by the City Commission of the City from a list of qualified applicants who have notified the City Auditor and Clerk of the desire to be a member of the Board. Any non-residential property owner subject to ad valorem taxation within the District may notify the City Auditor and Clerk of his or her desire to be a member of the Board. The five member Board of Directors shall serve for a three year term. The initial appointment to the Board shall be of two Directors for three year terms each; two Directors for two year terms each; and one Director for a one year term. Consequently, the initial Board shall be made up of members who serve staggered terms. Thereafter, all appointments to the Board by the City Commission shall be for three year periods except for appointments to fill an unexpired term resulting from a vacancy in office. Each member's term shall commence at the first meeting of the Board of Directors of the District after appointment. Each member shall serve until a replacement member has been appointed and seated. In the event of a vacancy on the Board of Directors as a result of death or resignation of a member thereof, the seat shall be filled by appointment by the City Commission for the remainder of the unexpired term. The members of the Board of Directors of the District shall receive no compensation from the District for serving as the governing board of the District. The Board of Directors of the District shall meet at least quarterly. At the first meeting in the first quarter of each year, the Board of Directors shall elect a chairman and a vice chairman. The Board of Directors shall meet more often than quarterly if necessary to perform the functions set forth in Section 2, above. The Board of Directors shall be governed by Robert's Rules of Order. The Board of Directors shall serve as the policy making body of the District. The Board of Directors shall approve all contracts of the District. The Board of Directors shall assure that the representatives of the District implement the enhanced improvements and services set forth in Section 2, above and approved by the City Commission. The District, the members of the Board of Directors and any agents or other representatives of

the District shall be subject to any applicable provisions of Florida's Sunshine Law and Public Records Laws.

Section 7. Tax Rebate. In the event the City of Sarasota is required to pay taxes to the District relating to either property owned by the City or due to an allocation of such taxes pursuant to a lease or development agreement with the owner of such property, the District shall rebate such taxes to the City pursuant to a schedule authorized by the Finance Director of the City.

Section 8. Financing in the District. The District shall be financed by ad valorem taxes levied by the City of Sarasota within the District. The City Commission may levy up to 2 mils within the District in order to fund the enhanced services described in Section 2, above. The millage levied within the District shall not be taken into account when culculating the Tax Increment to be deposited into the Redevelopment Trust Fund pursuant to Ordinance No. 87-3065.

Section 9. Sarasota City Plan. The creation of the District is consistent with the *Sarasota City Plan* (2008).

Section 10. Notices. The City Auditor and Clerk is hereby directed to provide a certified copy of this Ordinance, within thirty (30) days of its adoption on second reading, to the property appraiser of Sarasota County and the tax collector of Sarasota County so as to provide such entities notice of the creation of the District for the purposes of including the ad valorem taxes on the 2009, and subsequent year's tax bill.

Section 11. Conflict. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 12 Effective Date. This Ordinance shall take effect immediately upon second reading. The governing board of the District shall be empowered to act as of the effective date

of this Ordinance. The creation of the Downtown Improvement District shall take effect on the date of second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 3rd day of November, 2008.

PASSED on second reading and finally adopted this 17th day of November, 2008.

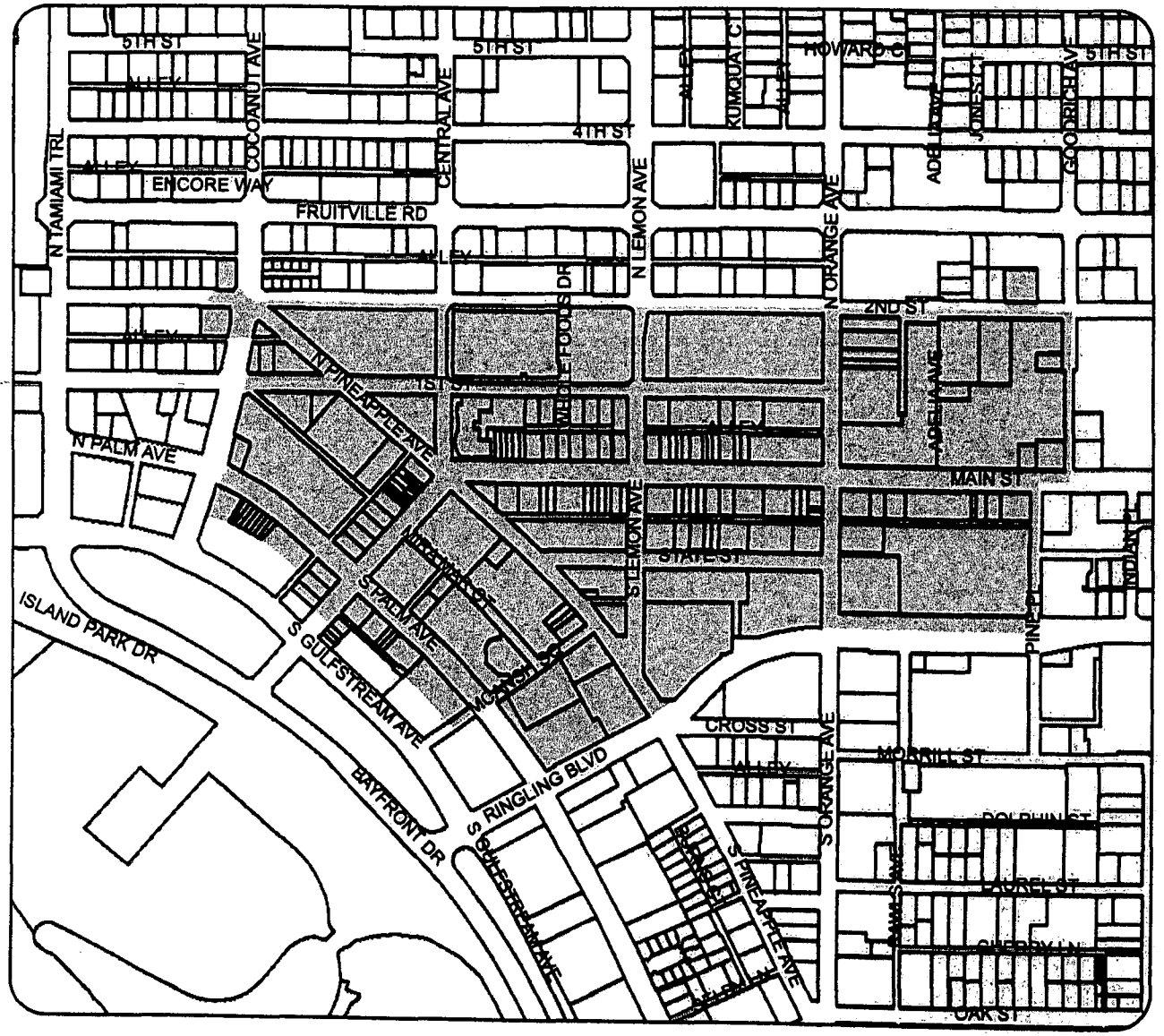
Lou Ann R. Palmer, Mayor

ATTEST:

City Auditor and Clerk

wcityatty/mac/pn/ord-08-4832/11/17/08

Proposed Downtown Improvement District



Proosed Downtown Improvement District

Parcels

500 250 0 500 Feet

EXHIBIT A

EXHIBIT B
TO ORDINANCE NO. 08-4832

NON-RESIDENTIAL PARCELS LOCATED WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT

PARCEL I.D. NUMBER	ADDRESS
2026-13-0059	201 Cocoanut Avenue
2026-13-0060	149 Cocoanut Avenue
2026-13-0099	1331 1st Street
2026-13-0103	135 N. Pineapple Avenue
2026-13-0104	1261 1st Street
2026-13-0105	1269 1st Street
2026-13-0107	1287 1st Street
2026-14-0069	1451 1st Street
2026-14-0101	1565 1st Street
2026-14-0102	150 Lemon Avenue
2026-15-0055	1697 2nd Street
2026-15-0059	1670 2nd Street
2026-15-0060	1660 2nd Street
2026-15-0070	142 N. Orange Avenue
2026-15-0071	130 N. Orange Avenue
2026-15-0072	126 N. Orange Avenue
2026-15-0098	107 N. Goodrich Avenue
2026-15-0099	113 N. Goodrich Avenue
2027-02-0001	1693 Main Street
2027-02-0021	1605 Main Street
2027-02-0027	44 Adelia Avenue
2027-02-0042	1679 Main Street
2027-02-0043	1670 Main Street
2027-02-0045	1664 Main Street
2027-02-0046	1662 Main Street

PARCEL I.D. NUMBER	ADDRESS
2027-02-0047	1660 Main Street
2027-02-0050	1618 Main Street
2027-02-0051	1600 Main Street
2027-03-0001	1501 Main Street
2027-03-0002	1509 Main Street
2027-03-0003	1515 Main Street
2027-03-0004	1519 Main Street
2027-03-0005	1521 Main Street
2027-03-0006	1527 Main Street
2027-03-0007	1531 Main Street
2027-03-0008	1535 Main Street
2027-03-0009	1537 Main Street
2027-03-0010	1541 Main Street
2027-03-0011	1551 Main Street
2027-03-0012	1553 Main Street
2027-03-0013	1575 Main Street
2027-03-0018	29 N. Orange Avenue
2027-03-0022	1558 1st Street
2027-03-0024	1544 1st Street
2027-03-0026	1530 1st Street
2027-03-0027	22 N. Lemon Avenue
2027-03-0029	27 N. Lemon Avenue
2027-03-0030	1466 1st Street
2027-03-0031	1458 1st Street
2027-03-0033	1440 1st Street
2027-03-0034	1432 1st Street
2027-03-0038	50 Central Avenue
2027-03-0042	1425 Main Street
2027-03-0043	1429 Main Street

PARCEL I.D. NUMBER	ADDRESS
2027-03-0044	1433 Main Street
2027-03-0045	1435 Main Street
2027-03-0046	1437 Main Street
2027-03-0047	1441 Main Street
2027-03-0048	1453 Main Street
2027-03-0049	1459 Main Street
2027-03-0050	1465 Main Street
2027-03-0051	1475 Main Street
2027-03-0052	1481 Main Street
2027-03-0055	1490 Main Street
2027-03-0056	1488 Main Street
2027-03-0058	1480 Main Street
2027-03-0059	1460 Main Street
2027-03-0060	1454 Main Street
2027-03-0061	1448 Main Street
2027-03-0062	1440 Main Street
2027-03-0063	1410 Main Street
2027-03-0064	1400 Main Street
2027-03-0066	1476 Main Street
2027-03-0067	40 S. Pineapple Avenue
2027-03-0068	1390 Main Street
2027-03-0069	1472 Main Street
2027-03-0074	1411 State Street
2027-03-0079	1592 Main Street
2027-03-0081	1586 Main Street
2027-03-0082	1582 Main Street
2027-03-0083	1564 Main Street
2027-03-0085	1548 Main Street
2027-03-0087	1540 Main Street

PARCEL I.D. NUMBER	ADDRESS
2027-03-0088	1532 Main Street
2027-03-0089	1528 Main Street
2027-03-0090	1526 Main Street
2027-03-0091	1520 Main Street
2027-03-0092	1516 Main Street
2027-03-0093	1508 Main Street
2027-03-0095	35 S. Lemon Avenue
2027-03-0097	1517 State Street
2027-03-0098	1529 State Street
2027-03-0099	1533 State Street
2027-03-0100	1537 State Street
2027-03-0101	1549 State Street
2027-03-0106	1595 State Street
2027-03-0108	16 S. Orange Avenue
2027-03-0109	14 S. Orange Avenue
2027-03-1001	1444 1st Street - Unit A
2027-03-1002	1444 1st Street - Unit B
2027-03-3003	50 Central Avenue, Unit C
2027-04-0018	25 N. Pineapple Avenue
2027-04-0023	1296 1st Street
2027-04-0025	1266 1st Street
2027-04-0028	1255 N. Palm Avenue
2027-04-0046	1264 Palm Avenue
2027-04-0047	1262 Palm Avenue
2027-04-0048	1260 Palm Avenue
2027-04-0062	1274 Palm Avenue
2027-04-0063	1272 Palm Avenue
2027-04-0064	1270 Palm Avenue
2027-04-0065	1268 Palm Avenue

PARCEL I.D. NUMBER	ADDRESS
2027-04-0066	1266 Palm Avenue
2027-04-0072	1343 Main Street
2027-04-0074	1345 Main Street
2027-04-0075	1355 Main Street
2027-04-0076	1359 Main Street
2027-04-0077	1367 Main Street
2027-04-0078	1373 Main Street
2027-04-0080	1377 Main Street
2027-04-0082	1383 Main Street
2027-04-0083	1385 Main Street
2027-04-0085	1395 Main Street
2027-05-0005	32 Palm Avenue
2027-05-0006	33 S. Palm Avenue
2027-05-0007	30 S. Palm Avenue
2027-05-0008	16 S. Palm Avenue
2027-05-0012	1316 Main Street
2027-05-0014	1310 Main Street
2027-05-0015	1306 Main Street
2027-05-0016	1300 Main Street
2027-05-0017	1301 Main Street
2027-05-0018	1311 Main Street
2027-05-0019	1319 Main Street
2027-05-0020	1298 N. Palm Avenue
2027-05-0034	46 Palm Avenue
2027-05-2001	56 S. Palm Avenue
2027-05-2002	60 S. Palm Avenue
2027-05-2003	64 S. Palm Avenue
2027-05-2004	68 S. Palm Avenue
2027-05-2005	72 S. Palm Avenue

PARCEL I.D. NUMBER	ADDRESS
2027-05-2006	76 S. Palm Avenue
2027-05-2007	80 S. Palm Avenue
2027-05-3001	1255 N. Gulfstream Avenue Unit CU1
2027-05-3002	1255 N. Gulfstream Avenue Unit CU2
2027-05-3003	1255 N. Gulfstream Avenue Unit CU3
2027-05-3004	1255 N. Gulfstream Avenue Unit CU4
2027-05-3005	1282 N. Palm Avenue Unit CU5
2027-05-3006	1284 N. Palm Avenue Unit CU6
2027-05-3007	1286 N. Palm Avenue Unit CU7
2027-05-3008	1288 N. Palm Avenue Unit CU8
2027-05-3009	1290 N. Palm Avenue Unit CU9
2027-05-4001	1330 Main Street 1 Unit 1
2027-05-4002	1330 Main Street Unit 2
2027-05-5001	1350 Main Street Unit CU001
2027-05-5002	1350 Main Street Unit CU002
2027-05-5003	1350 Main Street Unit CU003
2027-05-5004	1350 Main Street Unit CU004
2027-05-5005	15 South Palm Avenue Unit CU005
2027-05-5006	15 South Palm Avenue Unit CU006
2027-05-5007	15 South Palm Avenue Unit CU007
2027-06-0013	1549 Ringling Boulevard
2027-06-0026	1400 State Street
2027-06-0027	127 S. Pineapple Avenue
2027-06-0029	136 Pineapple Avenue
2027-06-0032	124 Pineapple Avenue
2027-06-0042	47 S. Palm Avenue
2027-06-0046	30 Mira Mar Court
2027-06-0056	222 S. Palm Avenue
2027-06-0063	1515 Ringling Boulevard

PARCEL I.D. NUMBER	ADDRESS
2027-06-0088	204 S. Pineapple Avenue
2027-06-0089	240 S. Pineapple Avenue
2027-06-0090	1401 Ringling Boulevard
2027-07-0020	27 S. Orange Avenue
2027-07-0022	99 S. Orange Avenue
2027-07-0025	1661 Ringling Boulevard