

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT COMMISSION, PROVIDING FOR THE APPOINTMENT TO AND MEMBERSHIP OF SAID COMMISSION, DEFINING ITS TERRITORIAL JURISDICTION, POWERS, PROCEDURES, FRANCHISES AND PRIVILEGES; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES WITHIN THE TERRITORIAL BOUNDARIES OF THE DOWNTOWN DISTRICT; PROVIDING FOR THE DEPOSIT OF MONIES AND FOR AN ANNUAL BUDGET OF THE COMMISSION SUBJECT TO THE APPROVAL OF THE CITY COUNCIL; PROVIDING FOR THE HANDLING AND DISPOSITION OF FUNDS AND REVENUES OF THE DOWNTOWN DEVELOPMENT COMMISSION, THE AWARDED OF CONTRACTS AND PURCHASES BY THE COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 1965 Legislature of the State of Florida enacted Senate Bill No. 1451 ( also known as Chapter 65-1979, Special Acts, Laws of Florida, 1965) which authorized the City Council of the City of Ocala to create by ordinance a downtown development commission upon the majority vote of the qualified electors ratifying the terms and provisions of said Act; and

WHEREAS, pursuant to the petition of more than twenty-five (25) property owners in the territory covered by the downtown development district the City held a referendum on August 17, 1965, and providing notice thereof as required by said Act of the Legislature; and

WHEREAS, a majority of those qualified electors voting in said election approved and ratified the terms and provisions of said Act of the Legislature, authorizing the creation of a downtown development commission with the duties, powers and provisions as set forth in said Act; and

WHEREAS, it is consensus of opinion of the City Council that the best interest and welfare of the City of Ocala would be served by the establishment of a downtown development commission in accordance

with the provisions and terms of said Act.

NOW, THEREFORE , BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF OCALA as follows:

Section 1. Membership, Terms, Qualifications and Appointment of Commission. There is hereby created a downtown development commission of the City of Ocala to be composed of five (5) members, appointed by the City Council, to serve for the term specified in this section, or until their successors are appointed and have accepted such appointment. For the first appointments made two members shall be appointed for a term of three (3) years, two members for a term of two (2) years. and one (1) member for a term of one year. Upon expiration of these initial terms, the term of the office for each appointment shall be for three years each. Each of the members of the downtown development commission shall be a qualified elector of the City and owner of real property in the City of Ocala. Two of the members shall be property owners within the municipal district, and a third member shall be a merchant operating a business within the municipal district. The term of membership of said board shall begin and run from the first day of June in the year such appointment shall be made. In the event of the resignation or death of a member of the commission the City Council shall fill such vacancy so created by such resignation or death by an appointment for the unexpired term of the member creating such vacancy. The City Council may appoint not more than two of its members to membership in the development commission. The City may require one or more of the members of said commission to be bonded if deemed necessary, the premium of such bonds to be paid from budgeted funds of the commission.

Section 2. Duties of Commission. The development commission shall have the following duties:

1. To adopt an annual budget for the expenditure of funds allocated to the municipal district or commission by the City Council of the City of Ocala, derived from funds budgeted by the City Council therefor, and from funds and sources of income derived from the taxation of real property within the municipal district, as hereinafter provided, and from such revenues and sources as allocated thereto by the City Council.

2. To recommend to the city engineer rules and regulations to be adopted and enforced in the municipal district for pedestrian and vehicular traffic controls.

3. To assume the custody of such public properties and improvements within or without the municipal district allocated to said commission by the City Council, but subject to the ordinances, rules and regulations which may from time to time be promulgated by the City Council of the City.

4. To provide for the proper accounting of all funds collected or derived by the development commission, the authorization for the proper disbursement thereof for the reasonable and necessary operating expenses, and the payment of all funds to the finance officer of the City of Ocala.

5. To employ an administrator, director or superintendent to actively supervise and administer the affairs of the commission and the municipal district in accordance with the policies, rules and regulations established by the commission, such rules and regulations to be subject to the approval of the City Council.

6. To confer with the City Council and the administrative officials of the City in the functions and operation of the commission and municipal district.

7. To incur all budgeted costs necessary for such investigations, studies, specifications, plans, drawings, borings, maps and estimates of costs and all revisions as may be necessary and thereafter prepare and adopt a comprehensive plan for the development and improvement of the municipal district, and to submit its recommendations upon the aforesaid to the City Council for approval or rejection of the same.

Section 3. Powers of Commission. The downtown development commission, in order to carry out the duties imposed by this act shall have the following powers:

1. To employ personnel for the proper and efficient operation of the district and establish and fix the respective salaries thereof, subject to personnel rules, classification and pay plan of the City.

2. To requisition supplies, equipment, insurance and bonds in accordance with the appropriations therefor duly made in the annual budget of the commission as approved by the City Council.

3. To receive, and properly account for all public funds and properties donated by or given by any person, firm or corporation to the City within the municipal district to be used for a specific purpose designated by the donors of such funds or properties.

Section 4. Audit of Accounts. The books and records of the commission shall be audited annually in the same manner as the books of the City of Ocala.

Section 5. Purchases by Commission. No member of the commission or other officer or member shall purchase supplies, goods

or materials for use by the commission or municipal district from any firm or corporation in which he is interested directly or indirectly, nor in any manner share in the proceeds of such purchase; the commission shall not be obligated for the purchase price of such supplies, goods or materials so purchased; no member of the commission or its officers or employees shall bid or enter into or be in any manner interested directly or indirectly in any contract for public work to which the City of Ocala or the development commission may be a party.

Section 6. Procedure for Claims. Every claim ex contractu or ex delicto arising out of any project for act of the commission, whether liquidated or unliquidated, vested fixed or contingent shall be filed by the claimant or his duly authorized agent or attorney with the City of Ocala as by general law provided in the same manner applicable to claims against the City, and shall be barred if not so filed; said writing representing said claim shall be particular as is known to the claimant, set out the details of such claim and specify the witnesses, if any, claimants rely upon to support the same.

Section 7. Municipal District Territory. The area of the municipal district is described as follows:

Commence at the Northwest corner of Block 19, OLD SURVEY OF THE CITY OF OCALA, thence North to the centerline of Jefferson Street, thence East along the centerline of Jefferson Street to the centerline of Osceola Street (Northeast Second Street), thence South along the centerline of Osceola Street to the centerline of Adams Street (Northeast Second Street, thence East along the centerline of said Adams Street to the centerline of Watula Street (Northeast Fourth Avenue), thence South along the centerline of Watula Street to the centerline of Ft. King Avenue, thence West along the centerline of said Ft. King Avenue to the centerline of Osceola Street, thence

South along the centerline of Osceola Street to the centerline of Southeast Third Street, thence West along the centerline of Southeast Third Street to the centerline of Orange Street (Southwest First Avenue), thence North along the centerline of Orange Street to the centerline of Ft. King Avenue, thence West along the centerline of Ft. King Avenue to the centerline of Pine Street Highway (US 27, 441 and 301); thence North along the centerline of said Pine Street Highway to the intersection of the centerline of Jefferson Street, thence East along the centerline of Jefferson Street to the point of beginning.

Section 8. Budget Procedure. The commission shall submit an annual budget to the City Council pursuant to the budget schedule of the City as it may from time to time exist, or upon such special schedules for submission as the Council may prescribe. A public hearing preceding the budget adoption shall be advertised and held coincident with and in the same manner as the hearing and adoption of the City budget. The proposed budget shall reflect therein the millage to be imposed upon the real property within the municipal district, defining the zones and the amount of millage as adopted by the City Council within the district.

Section 9. Definitions as Used in This Ordinance. The following words and terms shall have the following meanings:

(a) The terms "development commission" and "commission" shall mean the downtown development commission of the City of Ocala.

(b) The word "city" shall mean the City of Ocala, a municipal corporation organized under the laws of the State of Florida.

(c) The term "city council" shall mean the City Council of the City of Ocala.

(d) The term "municipal district" shall mean the area of the City of Ocala as hereinafter defined, subject to the jurisdiction and application of the provisions of this act.

(e) The words "project" or "projects" shall mean any one, or any combination of two or more of the following when undertaken by, or owned, controlled or operated in or for the benefit of the municipal district: parking areas, public parks, playgrounds, terminal storage and shed facilities for the loading, unloading and handling of passengers, landscaping, pedestrian shelters, streets, sidewalks, public rights of way, and any other public facilities, including all property rights, easements and franchises relating to any such project or projects which by resolution the City may deem necessary and convenient.

(f) The word "improvements" shall mean such replacements, repairs, extensions, additions, enlargements, embellishments of and to a project which are deemed necessary to place such project in proper condition for the safe, efficient and economic operation thereof when such project shall be undertaken by, or owned, controlled and operated by the municipal commission.

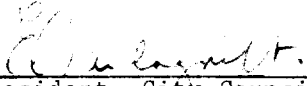
(g) The term "cost" as applied to improvements shall mean the cost of acquiring and constructing improvements as hereinafter defined and shall include the cost of all labor and materials, of all machinery and equipment, the cost of engineering and legal fees, plans, specifications, financing charges and such other expenses as may be necessary or incident to such acquisition or construction. The term cost as applied to a project as acquired, constructed, extended or enlarged shall include the purchase price of any project acquired, the cost of such construction, extension or enlargement, the cost of all lands, projects, rights, easements and franchises acquired, the cost of all machinery and equipment, the cost of all engineering and legal fees and all investigations and audits, financing charges and all other expenses necessary or incident to

determine the practicability or feasibility of such acquisition or construction, including this expense and such other expense as may be necessary or incident to the financing herein authorized and to the construction or acquisition of a project and the placing of the same in operation. Any obligation or expense incurred by the city commission prior to the issuance of revenue bonds under the provisions of this act for engineering studies for estimates of costs and of revenues, and for other technical financial or legal services in connection with the acquisition or construction of any project, may be regarded as part of the cost of such project.

Section 10. Effective Date. This ordinance shall take effect upon its approval by the Mayor or upon becoming law without such approval.

Introduced: SEP 13 1965  
Second Reading: SEP 21 1965  
Third/Final Reading: SEP 21 1965

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
President, City Council

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

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Mayor, City of Ccala