

**RESOLUTION 22-539R**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AFFIRMING THE FINDING THAT BLIGHTED AREAS EXIST IN THE COUNTY; PROVIDING FOR DEFINITIONS; ADOPTING AND SUPPORTING THE OSCEOLA COUNTY “FINDING OF NECESSITY STUDY”; DESCRIBING THE NORTHEAST INFRASTRUCTURE IMPROVEMENT AREA AND FINDING THAT INFRASTRUCTURE IMPROVEMENTS WITHIN SUCH AREA ARE NECESSARY IN THE PUBLIC INTEREST; DESCRIBING THE BOUNDARIES FOR THE NORTHEAST INFRASTRUCTURE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners (the “Board”) of Osceola County, Florida (the “County”) finds that the 126,627-acre area described and shown on **Attachment “A”** and designated as the Northeast Infrastructure Improvement Area (the “Northeast Improvement Area”) provides vital economic, recreational and community opportunities for the people of Osceola County; and

**WHEREAS**, the Board finds that there is a predominance of blighting influences within the Northeast Improvement Area, including a predominance of defective or inadequate street layout, parking facilities, roadways, and public transportation facilities, which constitute a serious and growing menace, threatening the sound growth of the County and injurious to the public health, safety, morals and welfare of the residents of the County; and the existence of slum or blighted area further creates an economic and social liability by hindering industrial, commercial, office or residential development, reducing employment opportunities, negatively impacting construction, and improvement of transportation infrastructure; and

**WHEREAS**, the Board further finds that the infrastructure which currently supports the public and private use, availability and access to the Northeast Improvement Area are in need of improvement to adequately meet the current and future needs of residents, workforce and visitors to arrive in, and move about within, the Northeast Improvement Area; and such needs are keeping the Northeast Improvement Area from realizing its full potential; and

**WHEREAS**, the Board finds that it is necessary and desirable to address the blighted conditions that exist within the Northeast Improvement Area which are detrimental to the sound growth of the County, and which substantially impair or arrest appropriate growth within the Northeast Improvement Area, and present conditions and uses which are detrimental to the public health, safety, morals and public welfare; and

**WHEREAS**, the Board desires to establish multiple financing sources that will provide funds to enable the County to pay the costs of the necessary improvements and maintenance requirements; and

**WHEREAS**, the Board finds that the properties within the Northeast Improvement Area will increase in value as improvements are implemented and maintenance is assured and will thereby generate additional property tax revenues; and

**WHEREAS**, the County finds that it is necessary and desirable to address the infrastructure needs of portions of the Northeast Improvement Area and to provide for substantial improvements thereto, (the “Infrastructure Improvements”) in order for such area to reach its full potential (i) to provide sound, clean economic development, (ii) to afford adequate and efficient traffic corridors so that Northeast Osceola County is more appealing and accessible as a destination for residents, workforce and visitors; and (iii) to establish transportation routes that will handle current and future demands, avoid traffic backups, and reduce emergency response delays; and

**WHEREAS**, the Board desires to establish a financing source that will provide funds to enable the County to pay a portion of the costs of the Infrastructure Improvements; and

**WHEREAS**, the identification and availability of such funding is a prerequisite to approval of any development that requires an increase or expansion of infrastructure; and

**WHEREAS**, the Board finds that the properties within the Northeast Improvement Area will increase in value as the Infrastructure Improvements are implemented, and thereby generate additional property tax revenues; and

**WHEREAS**, the Board has determined that, to the maximum extent possible, the anticipated revenues realized by the County from the growth in property values and business

activity expected to result from the operation of the Infrastructure Improvements should provide the source of funds to pay for the costs of the Infrastructure Improvements; and

**WHEREAS**, Mobility Fees generated within Northeast Mobility Fee District and Southeast Mobility Fee District (as such terms are defined in Chapter 17, Division 2 of the Osceola County Code) are appropriate funding sources for the Infrastructure Improvements located in each respective Mobility Fee District; and

**WHEREAS**, as confirmed by the Supreme Court of Florida in *Strand v. Escambia County*, 992 So. 2d 150 (Fla. 2008), the broad home rule powers of local government include the authority to utilize tax increment financing to fund essential infrastructure and capital improvements in furtherance of economic development activities and the County has determined that to the maximum extent possible, the anticipated revenues realized by the County from the growth in property values and business activity expected to result from improvements should provide a major source of funds to pay the costs of said improvements.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY:**

**SECTION 1. RECITALS.**

The foregoing recitals are hereby fully incorporated herein by this reference.

**SECTION 2. DEFINITIONS.**

The following terms, wherever used or referred to in this part, have the following meanings:

**“Board”** means the County's Board of Commissioners.

**“County”** shall mean Osceola County, a political subdivision of the State of Florida.

**“Infrastructure Improvement Plan”** shall mean the Northeast Infrastructure Improvement Plan approved by resolution of the Board to identify and describe necessary transportation infrastructure improvements for the Northeast Improvement Area.

**“Infrastructure Improvements”** shall mean the capital improvements identified in the Infrastructure Improvement Plan as the County's responsibility.

**“Northeast Improvement Area”** means the Northeast Infrastructure Improvement Area encompassing the 126,627-acre area described and shown on **Attachment “A”**.

**“Northeast Improvement Area Trust Fund”** shall mean the Northeast Infrastructure Improvement Trust Fund to be created by Ordinance.

**“Tax Increment”** shall mean the amount equal to the lesser of (a) the amount by which (i) the tax revenues that would have been generated at the millage rate in effect for the current Fiscal Year at the current Assessed Valuation exceeds (ii) the tax revenues that would have been generated at the millage rate in effect for the current Fiscal Year at the Base Assessed Valuation or (b) an amount equal to the sum of (i) 110% of the debt service of any outstanding indebtedness secured by the Tax Increment Revenues coming due in such Fiscal Year and (ii) an amount sufficient to restore any deficiencies in payment of debt services for such indebtedness for prior periods and to fund any planned expenditures.

### **SECTION 3. FINDING OF NECESSITY.**

(1) It is hereby found and declared that there exist in the Northeast Improvement Area conditions injurious to the public health, safety, morals and welfare of the residents of the County and the State, including with particularity a slum or blighted area where there is a predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities, which constitute a serious and growing menace, threatening the sound growth of the County. The existence of such defective and inadequate transportation infrastructure creates an economic and social liability by hindering industrial, commercial, office or residential development, reducing employment opportunities, and negatively impacting construction. In the Northeast Improvement Area, a combination of rehabilitation, conservation, and redevelopment is necessary in the interest of the public health, safety, morals and welfare of the residents of the County to eliminate, remedy, and prevent conditions of slum and blight; and to provide safe and adequate street layouts, parking facilities, roadways, bridges or public transportation facilities.

(2) It is further found and declared that the promotion, development, construction, acquisition, equipping, operation and maintenance of the Infrastructure Improvements will significantly increase opportunities for access to new residential, business, employment and recreational resources, creating new opportunities for new business and development and for employment for the citizens and residents of the County, thus improving economic conditions, increasing economic prosperity and the local tax base, multiplying the expenditures within the County for construction of housing and businesses and provision of services therein, improving the quality of life and attractiveness of the area to additional new industries.

(3) It is further found and declared that the powers conferred by this Resolution are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

(4) It is further found and declared that the preservation or enhancement of the tax base from which the County realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which the County is established; that tax increment financing within the Northeast Improvement Area is an effective method of achieving such preservation and enhancement in areas in which such tax base is not reaching its potential due to building limitations resulting from inadequate infrastructure; that economic development afforded by the Infrastructure Improvements, when complete, will enhance such tax base through the increase in homes and businesses and the value of properties, and provide increased tax revenues to affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefore and the appropriation of funds to a Northeast Infrastructure Improvement Trust Fund bears a substantial relation to the purposes of the County for its lawful purposes and concerns.

(5) The above findings are hereby adopted and supported by (1) the Osceola County “Finding of Necessity Study” dated December 1, 2022, and (2) such other evidence as presented at prior public hearings, workshops, and meetings of the Board of County Commissioners.

(6) The findings contained in the preambles hereof are true and correct.

**SECTION 4. DESCRIBING THE OFFICIAL BOUNDARY FOR THE NORTHEAST INFRASTRUCTURE IMPROVEMENT AREA.**

The official boundary, comprising approximately 126,627 acres for the Northeast Infrastructure Improvement Area is described and shown on **Attachment "A"**.

**SECTION 5. SEVERABILITY**

It is declared to be the intent of the Board of County Commissioners of Osceola County that, if any section, subsection, sentence, clause, phrase or portion of this Resolution, is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED** this 12th day of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chair/Vice Chair

ATTEST:  
OSCEOLA COUNTY CLERK OF THE BOARD

By: \_\_\_\_\_  
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of  
County Commissioners meeting of:

\_\_\_\_\_