

RESOLUTION NO. 09-HH

A RESOLUTION OF THE CITY OF FELLSMERE LOCAL PLANNING AGENCY/PLANNING AND ZONING COMMISSION, INDIAN RIVER COUNTY, FLORIDA, MAKING FINDINGS AS TO THE CONSISTENCY AND CONFORMANCE OF THE MODIFIED COMMUNITY REDEVELOPMENT PLAN FOR THE CITY OF FELLSMERE EXPANDED COMMUNITY REDEVELOPMENT AREA WITH THE APPLICABLE GOALS, OBJECTIVES AND POLICIES CONTAINED WITHIN THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SUBMITTAL OF THE MODIFIED PLAN BACK TO THE FELLSMERE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 09-CC, adopted by the City Council of the City of Fellsmere, Florida on September 17, 2009, determined the existence of blight in a certain area (the "Expansion Area") of the City of Fellsmere, Florida and that such area was in need of redevelopment and needed to be added to and incorporated in the existing Community Redevelopment Area as provided in Section 163.361, Florida Statutes; and

WHEREAS, the City Council desires to provide for the removal of such blighted areas within the Expansion Area and redevelop such Expansion Area pursuant to the Community Redevelopment Act of 1969, as amended, or the "Act", as contained in Florida Statutes, Chapter 163, Part III, by expansion of the boundaries of the existing Community Redevelopment Area; and

WHEREAS, the City has caused a redevelopment plan to be prepared that includes the Expansion Area being added to and incorporated in the existing Community Redevelopment Area; and

WHEREAS, as required by Part III of Chapter 163, Florida Statutes (The Community Redevelopment Act of 1969, as amended, or the "Act") specifically Section 163.360(4) of the Act, requires the Community Redevelopment Agency to submit the modified Community Redevelopment Plan to the Local Planning Agency/Planning and Zoning Commission of the City of Fellsmere, Florida, for review, which includes the Expansion Area, for conformity with the City's Comprehensive Plan for the development of the City as a whole; and

WHEREAS, as required the Act, specifically Section 163.361(3)(a) Florida Statutes, the Local Planning Agency must submit its written recommendations with respect to the conformity of the proposed modifications to the Community Redevelopment Plan to the Community Redevelopment Agency.

WHEREAS, this Resolution constitutes the Local Planning Agency/Planning and Zoning Commission's written recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the Local Planning Agency/Planning and Zoning Commission of the City of Fellsmere, Florida, as follows:

SECTION 1. FINDINGS. The Local Planning Agency/Planning and Zoning Commission has reviewed the proposed modified Community Redevelopment Plan for the Community Redevelopment Area that includes the Expansion Area and finds that the modified Community Redevelopment Plan conforms to and complies with the applicable Goals, Objectives and Policies of the City's Comprehensive Plan.

SECTION 2. SUBMITTAL OF THE PLAN. The City Manager or his designee is hereby requested to submit the modified Community Redevelopment Plan to the Community Redevelopment Agency with this bodies' recommendation to adopt the modified Community Redevelopment Plan, finding it consistent and in conformance with the City's Comprehensive Plan for the development of the City as a whole.

SECTION 3. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, invalid, inoperative or void, such holding shall not effect the validity of the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid, inoperative or void part, thereby causing said remainder to remain in full force and effect.

SECTION 4. CONFLICTS. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent necessary to give this Resolution full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was moved for adoption by Local Planning Agency /Planning and Zoning Commission Member _____.

The motion was seconded by Local Planning Agency /Planning and Zoning Commission member _____, and upon being put to a vote, the vote was as follows:

Local Planning Agency/Planning and Zoning Commission

Member Sherlee Watt _____

Local Planning Agency/Planning and Zoning Commission

Member Susan McCants _____

Local Planning Agency/Planning and Zoning Commission

Member Michael Ruehman _____

Local Planning Agency/Planning and Zoning Commission

Member Christal Dedmon _____

Local Planning Agency/Planning and Zoning Commission

Chairman Buddy Akers _____

The Chairman thereupon declared this Resolution duly passed and adopted this ____day of _____ 2009.

CITY OF FELLOSMERE, FLORIDA

Buddy Akers, Chairman
Local Planning Agency/Planning and Zoning
Commission

Attest:

Deborah C. Krages, City Clerk

(SEAL)