

**RESOLUTION
NO. 09-JJ**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, APPROVING A MODIFIED COMMUNITY REDEVELOPMENT PLAN FOR, AND EXPANDING THE AREA OF, THE COMMUNITY REDEVELOPMENT AREA LOCATED IN THE CITY OF FELLSMERE, FLORIDA, MAKING LEGISLATIVE FINDINGS; ADOPTION OF PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fellsmere, Florida, has, by Resolution No. 05-KK adopted a Community Redevelopment Plan for the City; and

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 affirms its earlier findings of blight for the Community Redevelopment Area and the Expansion Area; and

WHEREAS, the City Council desires to provide for the removal of such blighted areas within the Expansion Area and redevelop the 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 Council finds that it is in the best interest of the citizens to modify the entire Community Redevelopment Plan for the Community Development Area, that includes the Expansion Area (the "Modified Plan") to address development patterns that have emerged since adoption of the initial Community Redevelopment Plan; and

WHEREAS, the City has caused a modified redevelopment plan to be prepared that includes the Expansion Area being added to and incorporated in the Modified Plan; and

WHEREAS, after due consideration 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, the Local Planning Agency/Planning and Zoning Commission reviewed the proposed modified Community Redevelopment Plan for the Community Redevelopment Area including the Expansion Area, on _____, 2009, and found in Resolution No. 09-HH that the modified Community Redevelopment Plan (Modified Plan) conforms to and is consistent with the applicable Goals, Objectives and Policies of the City's Comprehensive Plan for the development of the City as a whole; and

WHEREAS, after due consideration as required by Section 163.361(1) of the Act, the Community Redevelopment Agency has recommended that the City Council adopt the Modified Plan for the Community Redevelopment Area, which includes the Expansion Area; and

WHEREAS, the City Council affirmatively finds that all prerequisites found in Section 163.360(7) of the Act, which are incorporated herein by this reference and made a part hereof, exist; and

WHEREAS, as required by Sections 163.346 and 163.361(2) of the Act, the City Council has given each taxing authority that levies ad valorem taxes on taxable real property within the geographic boundaries of the Community Redevelopment Area, including the Expansion Area, notice of the public hearing at which the Modified Plan will be considered for adoption and a copy of the Modified Plan for Community Redevelopment Area, as expanded; and

WHEREAS, as required by Sections 163.346 and 163.361(2) the City Council held a public hearing on _____, 2009 for the Modified Plan for the Community Redevelopment Area, which includes the Expansion Area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fellsmere, Florida, as follows:

SECTION 1. LEGISLATIVE FINDINGS. Based on information presented to it, the City Council expressly finds that the Modified Plan for the Community Redevelopment Area, which includes the Expansion Area, satisfies the requirements of Sections 163.360, 163.361 and 163.362, of the Act. Further, based on information presented to it, the City Council does hereby find that:

- A. The recitals set forth above and the recitals set forth in Resolution No. 09-CC are hereby ratified, adopted and incorporated herein as legislative findings of the City Council relative to the provisions of this Resolution.
- B. The terms contained in this Resolution shall have the meaning set forth in the Act.
- C. The public hearing required by Sections 163.346 and 163.361(2) of the Act, has been held and closed.
- D. A feasible method exists for the location of families who will be displaced from the Community Redevelopment Area, which includes the Expansion Area (the "Community Redevelopment Area") in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.
- E. The Modified Plan conforms to the general plan of the City as a whole.
- F. The Modified Plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Modified Plan.
- G. The Modified Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.
- H. The Modified Plan will reduce or maintain evacuation time, as appropriate, and ensure protection of property against exposure to natural disasters.
- I. The Community Redevelopment Area consists of an area of open land to be acquired by the City or the Community Redevelopment Agency, and such area will not be acquired unless:
 - 1. In the event the area is to be developed for residential uses, the City Council determines that:

- (a.) A shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the City;
 - (b.) The need for housing accommodations has increased in the area;
 - (c.) The conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, morals, or welfare; and
 - (d.) The acquisition of the area for residential uses is an integral part of and is essential to the program of the City.
2. In the event the area is to be developed for nonresidential uses, the City Council determines that:
- (a.) Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives; and
 - (b.) Acquisition may require the exercise of governmental action, as provided in the Community Redevelopment Act, because of:
 - (i) Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;
 - (ii) Tax delinquency;
 - (iii) Improper subdivisions;
 - (iv) Outmoded street patterns;
 - (v) Deterioration of site;
 - (vi) Economic disuse;
 - (vii) Unsuitable topography or faulty lot layouts;
 - (viii) Lack of correlation of the area with other areas of the City by streets and modern traffic requirements; or
 - (ix) Any combination of such factors or other conditions which retard development of the area.

3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.
- J. The public hearing was held after public notice thereof by publication in a newspaper having a general circulation in the City and the notice described the time, date, place, and purpose of the hearing, identified generally the Community Redevelopment Area, as expanded, and outlined the general scope of the Modified Plan.
- K. The Modified Plan conforms to and complies with the requirements of the Community Redevelopment Act.

SECTION 2. ADOPTION OF MODIFIED PLAN. The Community Redevelopment Plan as adopted by Resolution No. 05-KK is hereby superseded by the modified Community Redevelopment Plan (Modified Plan) for the Community Redevelopment Area, including the Expansion Area, which Modified Plan is hereby adopted and a copy is attached hereto as Exhibit "A". The Modified Plan shall be implemented in accordance with the requirements of law.

SECTION 3. APPLICATION. The Modified Plan shall govern rehabilitation, conservation and redevelopment of the blighted areas designated in Resolution Nos. 05-AA and 09-CC, and the Community Redevelopment Area is hereby expanded to include all of said lands.

SECTION 4. 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 or inoperative part.

SECTION 5. CONFLICTS. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed, but only to the extent necessary to give this Resolution full force and effect, and without effecting the continuation of the initial Community Redevelopment Plan, adopted by Resolution No. 05-KK, as amended by this Resolution

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was moved for adoption by Council Member _____
_____. The motion was seconded by Council Member _____,
and upon being put to a vote, the vote was as follows:

Mayor, Susan P. Adams	_____
Council Member Fernando Herrera	_____
Council Member Joel Tyson	_____
Council Member Sara J. Savage	_____
Council Member Daniel Naranjo	_____

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of
_____, 2009.

CITY OF FELLSMERE

Susan P. Adams, Mayor

ATTEST:

Deborah C. Krages, City Clerk

(SEAL)