

RESOLUTION NO. 95-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; ACCEPTING THE DELEGATION OF POWERS BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, UNDER THE COMMUNITY REDEVELOPMENT ACT OF 1969 (CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED); FINDING THE EXISTENCE OF BLIGHT CONDITIONS IN AN AREA OF THE CITY OF PORT ORANGE KNOWN AS EASTPORT BUSINESS CENTER; FINDING OF NECESSITY FOR THE REHABILITATION, CONSERVATION, OR REDEVELOPMENT, OR A COMBINATION THEREOF, OF THE AREA IN THE CITY OF PORT ORANGE KNOWN AS EASTPORT BUSINESS CENTER; FINDING THAT THE AREA IN THE CITY OF PORT ORANGE KNOWN AS EASTPORT BUSINESS CENTER CONSTITUTES A COMMUNITY REDEVELOPMENT AREA; FINDING OF NEED FOR A COMMUNITY REDEVELOPMENT AGENCY IN THE CITY OF PORT ORANGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has enacted the Community Redevelopment Act of 1969, codified as Chapter 163, Part III, Florida Statutes, as amended; and

WHEREAS, Section 163.410, Florida Statutes, provides for the governing body of a county which has adopted a home rule charter to exercise the powers conferred by Chapter 163, Part III, Florida Statutes; and

WHEREAS, Section 163.410, Florida Statutes, authorizes the governing body of a county which has adopted a home rule charter to delegate by resolution the exercise of the powers conferred upon the county by Chapter 163, Part III,

Florida Statutes, within the boundaries of a municipality to the governing body of the municipality; and

WHEREAS, the County of Volusia, Florida, has adopted a home rule charter pursuant to Article VIII, Section 1(g), Florida Constitution (1968); and

WHEREAS, the City of Port Orange, Florida, is a municipality within the boundaries of the County of Volusia; and

WHEREAS, pursuant to Section 163.410, Florida Statutes, the County Council of the County of Volusia has adopted Resolution No. 94-345, which delegates the exercise of all powers conferred upon the County of Volusia by Chapter 163, Part III, Florida Statutes, within the boundaries of the City of Port Orange to the City Council of the City of Port Orange; and

WHEREAS, the City Council of the City of Port Orange has determined that the delegation of powers and authority conferred by Chapter 163, Part III, Florida Statutes, is necessary and appropriate for the redevelopment of slum or blighted areas within the boundaries of the City of Port Orange; and

WHEREAS, the City of Port Orange Community Development Department has prepared a Blight Study of the area located in that part of the City of Port Orange known as Eastport Business Center to ascertain the existence of blighted conditions; and

WHEREAS, the Blight Study for Eastport Business Center identified numerous conditions which meet the criteria for a blighted area as defined in Section

163.340(8), Florida Statutes, including:

1. Insufficient roadway width; and
2. Lack of left turn lanes and deceleration lanes; and
3. Absence of curbing, sidewalks, guard rails, and street lighting; and
4. Lack of traffic signals; and
5. Inadequate turning radii for large trucks; and
6. Lack of direct visible access to major arterial roadways; and
7. Underutilization of the railroad resulting from inadequacies in the roadway network; and
8. Incorrect hierarchy in the roadway network as to design and function; and
9. Use of a residential street as a major roadway within the project area; and
10. Unpaved parking lots; and
11. Inadequate site drainage; and
12. Floating and unscreened dumpsters in concert with an absence of landscaping, irrigation, and screened/approved outdoor storage areas; and
13. Nonconforming and inaccessible lots; and
14. Low land to improvement value ratio; and

WHEREAS, the results of the Blight Study for Eastport Business Center

(RES. NO. 95-7)

have been presented to the City Council of the City of Port Orange at a public meeting and have been included in the public record; and

WHEREAS, after having reviewed and considered the Blight Study for Eastport Business Center and the facts and conditions in the area, and having received and considered such other evidence of the conditions in the area known as Eastport Business Center as have been presented, the City Council of the City of Port Orange has determined that certain actions are necessary and appropriate and should be taken to address the conditions now present and expected to be present in the area; and

WHEREAS, the City Council of the City of Port Orange desires to exercise the powers and authority conferred by Chapter 163, Part III, Florida Statutes, for redevelopment of the area known as Eastport Business Center; and

WHEREAS, Section 163.355, Florida Statutes, requires a finding of necessity for a municipality to exercise the authority conferred by Chapter 163, Part III, Florida Statutes; and

WHEREAS, Section 163.356(1), Florida Statutes, requires a finding of need for a community redevelopment agency to function in a municipality to carry out the purposes of Chapter 163, Part III, Florida Statutes; and

WHEREAS, proper public notice has been provided and notices have been mailed by registered mail to all taxing authorities as required by Section 163.346, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Acceptance of Delegation of Powers. The City Council of the City of Port Orange hereby accepts all powers and authority conferred upon the County of Volusia under the Community Redevelopment Act of 1969, Chapter 163, Part III, Florida Statutes, as amended, and delegated by Resolution No. 94-345 of the County Council of the County of Volusia to the City Council of the City of Port Orange.

Section 2. Findings of Conditions. Based upon the Blight Study for Eastport Business Center prepared by the Community Development Department dated June 1994, and based upon the evidence, data and facts presented, the City Council of the City of Port Orange does hereby find that the area located in that part of the City of Port Orange known as Eastport Business Center, more particularly described in Exhibit "A" attached hereto (such area being referred to herein as the "Area"), contains conditions of blight as follows:

a. Conditions are present in the Area which are detrimental to the sound growth of the City of Port Orange and which substantially impair or arrest the growth within the Area and adjacent territory; and

b. Present conditions and uses in the Area are detrimental to the public health, safety, morals, or welfare; and

c. A predominance of defective or inadequate street layout exists within the Area; and

- d. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness exists within the Area; and
- e. Unsanitary or unsafe conditions exist within the Area; and
- f. Deterioration of site or other improvements has occurred and is occurring within the Area; and
- g. Roadways or public transportation facilities are or will be incapable of handling the volume of traffic flow into or through the Area, either at present or following proposed construction within the Area.

Section 3. Finding of Necessity. The City Council of the City of Port Orange does hereby find that the rehabilitation, conservation, or redevelopment, or a combination thereof, of the Area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Port Orange.

Section 4. Community Redevelopment Area. Based upon the facts presented and contained in the public record, the City Council of the City of Port Orange does hereby find that the Area which exists in the City of Port Orange constitutes a blighted area as defined in Section 163.340(8), Florida Statutes, and that the Area constitutes a community redevelopment area as defined in Section 163.340(10), Florida Statutes.

Section 5. Community Redevelopment Agency. The City Council of the City of Port Orange does hereby find that there is a need for a community redevelopment agency to function in the City of Port Orange to carry out the

Exhibit "A"

LEGAL DESCRIPTION - EASTPORT BUSINESS CENTER

A portion of land being a part of Sections 3, 4, 9, 10 and 37, Township 16 South, Range 33 East, City of Port Orange, Volusia County, Florida, as lies within the following described boundary:

Beginning at the intersection of the easterly right-of-way line of the Florida East Coast Railroad, a 100 foot right-of-way, and the southerly right-of-way line of Commonwealth Boulevard, a 60 foot right-of-way, both as shown on Map of Depot Addition to Allandale, per Map Book 15, Page 192, Public Records of Volusia County, Florida; thence westerly, crossing said railroad right-of-way and along the southerly right-of-way line of said Commonwealth Boulevard to the easterly line of the westerly 100 feet of Lot 14, Unit No. 2, Allandale Gardens, per Map Book 9, Page 193, of said Public Records; thence southerly and along said easterly line to a point on the southerly line of said Lot 14; thence westerly and along said southerly line and along the southerly line of Lot 17 of said Unit No. 2, Allandale Gardens to the westerly line of the easterly 50 feet of said Lot 17; thence northerly along said westerly line to the said southerly line of Commonwealth Boulevard, the last described easterly, southerly and westerly lines referenced to that property described in Official Records Book 3828, Pages 3078 and 3079 of said Public Records; thence westerly along said southerly line of Commonwealth Boulevard to the westerly right-of-way line of Spruce Creek Road; thence northerly along said westerly right-of-way line a distance of 4400 feet, more or less, to the southerly right-of-way line of Oak Street; thence westerly and along said southerly right-of-way line to the southeasterly right-of-way line of Dunlawton Boulevard (S.R. 421); thence northeasterly along said southeasterly right-of-way line to the easterly line of Lot 182, Powers Subdivision, per Map Book 10, Page 138, of aforesaid Public Records; thence southerly along the easterly line of Lots 182, 183, 184 and 187, to the southeast corner of said Lot 187 and the northerly right-of-way of Dora Street, all as shown on the aforesaid plat of Powers Subdivision; thence westerly and along the said northerly right-of-way line and the southerly line of Lots 187, 186 and 185, as per aforesaid Powers Subdivision, to the easterly right-of-way of Canal View Boulevard (Spruce Creek Road), the last two described lines being the easterly and southerly boundary of Tax Parcel #6304-07-00-18-20, and being a "Reference Parcel" for drainage retention; thence southerly along the said easterly right-of-way line of Canal View Boulevard (Spruce Creek Road) to the southerly line of Lot 220, per plat of Powers Subdivision aforesaid; thence easterly along the southerly line of Lot 220 and Lot 210 of said Powers Subdivision to the westerly right-of-way of Palm Street, a 40 foot roadway; thence northerly along said westerly right-of-way line to the southerly right-of-way line of aforesaid Dora Street; thence easterly crossing Palm Street and along the southerly boundary of said Powers Subdivision to the northwest corner of Lot 3-D, Assessors Bunch Grant, as recorded in Map Book 3, Page 128 of said Public Records; thence southerly along the westerly line of said Lot 3-D to the southwest corner thereof; thence easterly along the said southerly line of Lot 3-D, also being the northerly line of Lot 1-D, said Assessors

Bunch Grant, to the southwest corner of that parcel of land described in Official Records Book 3066, Page 1559, said parcel being a portion of said Lot 3-D; thence northerly and parallel to Ruth Street, a 40 foot right-of-way, and along the westerly line of said parcel, a distance of 170.21 feet to the northerly line thereof; thence easterly along said northerly line a distance of 123.86 feet to the westerly right-of-way of said Ruth Street; thence southerly along said westerly right-of-way to the said southerly line of Lot 3-D and said northerly line of Lot 1-D; thence easterly along said southerly and northerly line and also being the southerly line of Dagwood Acres, per Map Book 25, Page 12 of said Public Records to the southeast corner of said Dagwood Acres, also being the northwest corner of Lot 106, Marshall Addition, Port Orange, per Map Book 14, Page 166 of said Public Records; thence continue easterly along the northerly line of said Lot 106 and its extension to the easterly right-of-way line of the said Florida East Coast Railroad; thence southerly along said right-of-way line to the northerly line of Lot 1-C, said Assessors Bunch Grant; thence easterly along said northerly line to the easterly line of the westerly 100 feet of said Lot 1-C; thence southerly along said easterly line to the northerly line of the southerly 130 feet of said Lot 1-C; thence easterly along said northerly line to the easterly line of the westerly 186 feet of the easterly 496 feet of said Lot 1-C; thence southerly along said easterly line to the northerly right-of-way line of Oak Street; thence easterly along said right-of-way line to the westerly right-of-way of Ridgewood Avenue (U. S. Highway 1); thence southerly along said westerly right-of-way line to the southerly line of Lot 1, Block 4, Thomas T. Allen Subdivision, per Deed Book "T", Page 415 of said Public Records; thence westerly along said southerly line to the easterly line of the westerly 112 feet of said Lot 1, Block 4; thence northerly along said easterly line to the southerly right-of-way line of Oak Street; thence westerly along said right-of-way line to the easterly right-of-way line of Virginia Avenue; thence southerly along said easterly right-of-way line and its extension, to the northerly right-of-way line of Fox Place; thence easterly along said northerly right-of-way line to the easterly line of Block "F", Virginia Heights, per Map Book 9, Page 92 of said Public Records; thence southerly along said easterly line of Block "F" to the southeast corner thereof, also being a point on the northerly line of Lot 9, Assessors Plat of Port Orange, per Map Book 3, Page 62 of said Public Records; thence along the southerly and easterly boundary of the City of Port Orange Public Works Complex the following courses and distances as described in Official Records Book 1949, Page 0213, S 67°28'30" W a distance of 229 feet, S 17°30'30" E a distance of 423.46 feet, S 0°22'30" E a distance of 88.3 feet to the south line of said Lot 9, S 89°54'30" W along said south line of Lot 9, a distance of 256.24 feet to the easterly right-of-way line of the Florida East Coast Railroad, which ends the calls referenced to Official Records Book 1949, Page 0213; thence southerly along said easterly right-of-way of the Florida East Coast Railroad to its intersection with the said southerly right-of-way line of Commonwealth Boulevard and the Point of Beginning, containing 270 acres, more or less.





community redevelopment purposes of Chapter 163, Part III, Florida Statutes, within the Area.

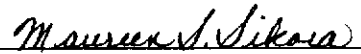
Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

  
MAYOR JAMES E. WARD

ATTEST:

  
Kenneth W. Parker, City Manager

Adopted on the 28th day of February, 1995

Reviewed and Approved:   
City Attorney