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RESOLUTION NO. 95-150

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, DELEGATING THE EXERCISE OF ALL POWERS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (CHAPTER 163, PART III, FLORIDA STATUTES) CONFERRED UPON THE COUNTY OF VOLUSIA WITHIN CERTAIN DESCRIBED BOUNDARIES OF THE CITY OF PORT ORANGE TO THE CITY COUNCIL OF THE CITY OF PORT ORANGE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

17 WHEREAS, the County of Volusia is a charter county, pursuant to Article VII,
18 Section 1(g), Florida Constitution (1968); and

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

21 WHEREAS, there exists the Community Redevelopment Act of 1969 as appears
22 in Chapter 163, Part III, Florida Statutes (1993); and

23 WHEREAS, pursuant to Section 163.410, Florida Statutes (1993) , the County
24 Council of the County of Volusia desires to delegate all the powers conferred upon
25 it by Chapter 163, Part III, Florida Statutes, within the boundaries of the City of Port
26 Orange, to the City Council of the City of Port Orange. NOW THEREFORE,

27 BE IT RESOLVED BY THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA,

1 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE VOLUSIA COUNTY
2 ADMINISTRATION CENTER, DELAND, FLORIDA, THIS 15th DAY OF June ,
3 1995, AS FOLLOWS:

4 SECTION I: There is hereby delegated the exercise of all powers conferred
5 upon the County of Volusia by Chapter 163, Part III, Florida Statutes (1993), known
6 as the Community Redevelopment Act of 1969, within the boundaries of the City of
7 Port Orange to the City Council of the City of Port Orange.

8 SECTION II: In accordance with and in furtherance of the delegation of powers
9 as provided in Section I above, the powers hereby delegated are specifically
10 enumerated as follows:

11 1. All the authority and powers granted pursuant to Section 163.345,
12 Florida Statutes (1993), including but not limited to, the authority to encourage
13 private enterprises to participate in community redevelopment projects.

14 2. All the authority and powers granted pursuant to Section 163.350,
15 Florida Statutes (1993), including but not limited to, the authority to formulate a
16 workable program to eliminate and prevent the development or spread of slums and
17 urban blight and to encourage rehabilitation and redevelopment.

18 3. All the authority and powers granted pursuant to Section 163.353,
19 Florida Statutes (1993), including but not limited to, the power to tax or appropriate
20 funds to a redevelopment trust fund in order to preserve and enhance the tax base
21 of the authority.

1 4. All the authority and powers granted pursuant to Section 163.355,
2 Florida Statutes (1993), including but not limited to, the authority to adopt a
3 resolution finding that one or more slum or blighted areas exist within the City of Port
4 Orange and that rehabilitation, conservation or redevelopment, or a combination
5 thereof, of such area or areas is necessary in the interest of the public health, safety,
6 morals or welfare of the residents of the City of Port Orange.

7 5. All the authority and powers granted pursuant to Section 163.356,
8 Florida Statutes (1993), including but not limited to, the authority to follow all
procedural requirements for the creation of the community redevelopment agency.

10 6. All the authority and powers granted pursuant to Section 163.357,
11 Florida Statutes (1993), including but not limited to, the authority to adopt a
12 resolution declaring the City Council of Port Orange to be the redevelopment agency.

13 7. All the authority and powers granted pursuant to Section 163.358,
14 Florida Statutes (1993) including but not limited to, the following powers:

15 (a) The power to determine an area to be a slum or blighted area,
16 or combination thereof, to designate such area as appropriate for a community
17 redevelopment project, and to hold any public hearings required with respect thereto.

18 (b) The power to grant final approval to community
19 redevelopment plans and modifications thereof.

20 (c) The power to authorize the issuance of revenue bonds as set
21 forth in Section 163.385, Florida Statutes (1993).

(d) The power to approve the acquisition, demolition, removal or

1 *disposal of property as provided in Section 163.370 (3), Florida Statutes (1993), and*
2 *the power to assume the responsibility to bear loss as provided in Section 163.370*
3 *(3), Florida Statutes (1993).*

4 8. *All the authority and powers granted pursuant to Section 163.360,*
5 *Florida Statutes (1993), including but not limited to, the authority to adopt a*
6 *resolution determining a slum or blighted area or combination thereof and designating*
7 *such area as appropriate for a community redevelopment plan, causing a community*
8 *redemption plan to be prepared and reviewed, conducting public hearings on the*
9 *community redevelopment plan, making determinations concerning the area for the*
10 *plan and modifying the plan.*

11 9. *All the authority and powers granted pursuant to Section 163.361,*
12 *Florida Statutes (1993), including but not limited to, the authority to modify the*
13 *community redevelopment plan and conduct public hearings thereon and give notice*
14 *thereof.*

15 10. *All the authority and powers granted pursuant to Section 163.362,*
16 *Florida Statutes (1993), including but not limited to, the authority to provide and*
17 *adopt a community redevelopment plan.*

18 11. *All the authority and powers granted pursuant to Section 163.365,*
19 *Florida Statutes (1993), including but not limited to, the authority to prepare*
20 *neighborhood and community wide area development plans.*

21 12. *All the authority and powers granted pursuant to Section 163.367,*
22 *Florida Statutes (1993), including but not limited to, the authority to comply with all*

1 public disclosure requirements.

2 13. All the authority, powers and requirements granted pursuant to
3 Section 163.367, Florida Statutes (1993), including but not limited to, the authority
4 and requirements to comply with the code of ethics and disclosure of interest in
5 property which may be included in a community redevelopment area.

6 14. All the authority and powers granted pursuant to Section 163.370,
7 Florida Statutes (1993), including but not limited to, the authority to exercise all
8 powers necessary or convenient to carry out and effectuate the purposes and
9 provisions of Chapter 163, Part III.

10 15. All the authority and powers granted pursuant to Section 163.375,
11 Florida Statutes (1993), including but not limited to, the authority to exercise the
12 powers of eminent domain.

13 16. All the authority and powers granted pursuant to Section 163.380,
14 Florida Statutes (1993), including but not limited to, the authority to dispose of real
15 property or any interest therein.

16 17. All the authority and powers granted pursuant to Section 163.385,
17 Florida Statutes (1993), including but not limited to, the authority to issue negotiable
18 redevelopment revenue bonds and negotiable bond anticipation notes.

19 18. All the authority and powers granted pursuant to Section 163.387,
20 Florida Statutes (1993), including but not limited to, the authority to adopt an
21 ordinance providing for the finding of the redevelopment trust fund.

22 19. All the authority and powers granted pursuant to Section 163.390,

1 Florida Statutes (1993), including but not limited to, the authority to issue bonds or
2 other obligations, to use any funds for the purchase of bonds or other obligations,
3 and to allow the investment in such bonds or obligations by persons or businesses
4 engaged in the banking or investment business.

5 20. All the authority, powers and privileges granted pursuant to Section
6 163.395, Florida Statutes (1993), including but not limited to, the authority and
7 privileges that property and funds be exempt from taxes, and from levy and sale by
8 virtue of execution or other judicial process.

9 21. All the authority and powers granted pursuant to Section 163.400,
10 Florida Statutes (1993), including but not limited to, the authority to cooperate with
11 community redevelopment projects and issue general obligation bonds.

12 **SECTION III:** It is hereby declared that the delegation of powers found in
13 Section II above is intended to be a specific enumeration of each and every power
14 which has been delegated to the County of Volusia pursuant to Chapter 163, Part III,
15 Florida Statutes (1993). Any power the County of Volusia has pursuant to Chapter
16 163, Part III, Florida Statutes (1993), which was not specifically enumerated in
17 Section II was done inadvertently and not intentionally. The County of Volusia hereby
18 agrees to delegate in the future any powers which were inadvertently not specifically
19 enumerated in Section II and which the County of Volusia has been granted pursuant
20 to Chapter 163, Part III, Florida Statutes (1993), as may be amended. It is further the
21 intent of this Resolution that the City Council of the City of Port Orange shall exercise
22 all powers provided in Chapter 163, Part III, Florida Statutes (1993), without any

1 concurrence, review, approval or other action of the County Council of the County
2 of Volusia, save the adoption of this Resolution and the delegation of any powers
3 inadvertently not specifically enumerated.

4 **SECTION IV:** If any one or more of the sections or provisions of this Resolution
5 shall for any reason whatsoever be held invalid, then such section or provision shall
6 be null and void and shall be deemed separable from the remaining sections and
7 provisions and shall in no way affect the validity of any of the other sections or
8 provisions hereof.

9 **SECTION V:** That each of the foregoing recitals set forth hereinabove are
10 incorporated herein and made a part hereof for purpose of delegating the powers
11 conferred upon the County Council of the County of Volusia pursuant to Chapter 163,
12 Part III, Florida Statutes (1993) to the City Council of the City of Port Orange, and for
13 the purpose of giving effect to this Resolution.

14 **SECTION VI:** That nothing contained herein shall be construed to make the
15 County Council of the County of Volusia the agent of the City Council of the City of
16 Port Orange, or any respective authorities thereto; nor shall the City Council of the
17 City of Port Orange be the agent of the County Council of the County of Volusia, or
18 any respective authorities thereto. Further, nothing contained herein shall constitute
19 a waiver by the County Council of the County of Volusia or the City Council of the
20 City of Port Orange or any respective authorities thereto, of the rights and privileges
21 of sovereign immunity. All rights and privileges of sovereign immunity are hereby
22 expressly retained.

1 **SECTION VII:** In the event that within the bounouaries of the City of Port
2 Orange there exists geographical areas which the City of Port Orange has not elected
3 to exercise the powers conferred by Chapter 163, Part III, Florida Statutes (1993),
4 the County of Volusia hereby reserves specifically all powers conferred by Chapter
5 163, Part III, Florida Statutes (1993), in order to take advantage of those powers as
6 provided therein when said powers have not been previously exercised in said
7 geographic areas by the City of Port Orange.

8 **SECTION VIII:** This resolution applies to the area described as follows, and
9 which is in accordance with the maps appended hereto, and by reference, made a
10 part hereof:

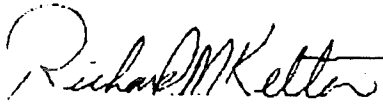
11 Port Orange Town Center Community Redevelopment Area:
12 Includes Ridgewood Avenue (U.S. 1) from the north city
13 limits, and Dunlawton Avenue (S.R. 421) from the east city
14 limits to Spruce Creek Road.

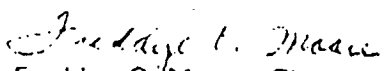
15 **SECTION IX:** This Resolution shall take effect immediately upon its adoption.

16 **DONE AND ORDERED IN OPEN MEETING.**

17
18 ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

19 
20 Richard M. Kelton, Acting
21 County Manager


Freddye C. Moore, Chairman

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