

RESOLUTION NO. 98-18

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 PORT ORANGE TOWN 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 PORT ORANGE TOWN CENTER; FINDING THAT THE AREA IN THE CITY OF PORT ORANGE KNOWN AS PORT ORANGE TOWN 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 Port Orange Town Center to ascertain the existence of blighted conditions; and

WHEREAS, the Blight Study for Port Orange Town Center identified numerous conditions which meet the criteria for a blighted area as defined in Section 163.340(8), Florida Statutes, including:

1. Excessive utility poles and overhead lines, unattractive signalization, vacant property, aged buildings, and unappealing facades; and

2. Traffic congestion; and
3. Bicycle deficiencies; and
4. Pedestrian deficiency; and
5. Buildings, parking lots, landscaping/irrigation, outdoor storage, screened dumpsters, and/or signage which do not comply with current code requirements; and
6. Mobile home parks with insufficient setbacks, improper signage, poor fire safety, and a lack of paving, drainage, landscaping, and irrigation; and
7. Infrastructure, buildings, and site improvements ranging from 30 to 40 years old; and
8. Loss of businesses; and
9. Sites of insufficient size and area; and
10. Substandard and nonconforming lots; and
11. Inadequate diameter and pressure of water and sewer lines; and
12. Inability to accommodate on-site water retention for stormwater management; and
13. Low land to improvement value ratio; and

WHEREAS, the results of the Blight Study for Port Orange Town Center 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 Port

Orange Town 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 Port Orange Town 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 Port Orange Town 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 Port Orange Town Center prepared by the Community Development Department dated April, 1998, 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 Port Orange Town 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. There are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes in the Area; and
- b. 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
- c. Present conditions and uses in the Area are detrimental to the public health, safety, morals, or welfare; and
- d. A predominance of defective or inadequate street layout exists within the Area; and
- e. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

exists within the Area; and

f. Unsanitary or unsafe conditions exist within the Area; and

g. Deterioration of site or other improvements has occurred and is occurring within the Area; and

h. Faulty or inadequate street layout and inadequate parking facilities exist within the Area; and

i. Roadways, bridges, 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 community

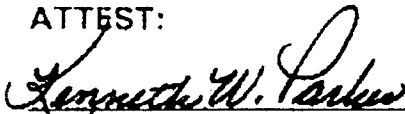
redevelopment purposes of Chapter 163, Part III, Florida Statutes, within the Area.

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



MAYOR ALLEN GREEN

ATTEST:



Kenneth W. Parker, City Manager

Adopted on the 26TH day of MAY, 1998.

Reviewed and Approved: Maurice S. Sikora
City Attorney

