

ORDINANCE NO. 1355 - 2004

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELINEATING THE POWERS GRANTED BY FLORIDA STATUTE CHAPTER 163(2003) AND PROVIDING FOR INAPPLICABILITY OF ANY ROCKLEDGE CODE OR ROCKLEDGE LAND DEVELOPMENT REGULATIONS IN CONFLICT THEREWITH; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 163.410, Florida Statutes, on January 23, 2002, the City of Rockledge, Florida, adopted Resolution No. 2002-481, which resolution delegated to the City Council of the City of Rockledge the authority to create and operate the Rockledge Community Redevelopment Agency, pursuant to Chapter 163, Florida Statutes (2003); and

WHEREAS, the City Council in Resolution No. 2002-481 determined that pursuant to Section 163.340(8), Florida Statutes (2003), the Rockledge Community Redevelopment Area was a blighted area; and

WHEREAS, the City Council in Resolution No. 2002-481 determined that pursuant to Section 163.355, Florida Statutes (2003), the rehabilitation, conservation or redevelopment, or a combination thereof, of the Rockledge Community Redevelopment Area is necessary and in the interest of public health, safety, morals, and welfare of the citizens of the City of Rockledge, and in the interest of implementing the intent of the Florida Legislature as expressed in the Community Redevelopment Act of 1969, as amended, to revitalize the area economically and socially, thereby improving the tax base, promoting sound growth,

and providing improved infrastructure; and

WHEREAS, the City Council in Resolution No. 2002-481 determined that pursuant to Section 163.355, Florida Statutes (2003), there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in Chapter 163, Part III, Florida Statutes, within the Rockledge Community Redevelopment Area; and

WHEREAS, the Rockledge City Council in Resolution No. 2002-481 found that creation of a Chapter 163, Florida Statutes, Community Redevelopment Agency for the Rockledge jurisdictional area, met the intent, and was consistent with the requirements, set forth in Section 163.355(1), Florida Statutes (2003); and

WHEREAS, pursuant to Resolution No. 2002-281, the Rockledge City Council created the Rockledge Community Redevelopment Agency pursuant to Section 163.357, Florida Statutes (2003); and

WHEREAS, it is the intent of the City Council of the City of Rockledge to set forth by Ordinance the membership, powers, and method of operation of said Rockledge Community Redevelopment Agency; to amend the ordinance to further provide for the aforesaid Community Redevelopment Agency; and to adopt a Community Redevelopment Plan for the Rockledge Community Redevelopment Area; and

WHEREAS, the City's Local Planning Agency has reviewed this Ordinance and found same to be consistent with the City of Rockledge Comprehensive Plan; and

WHEREAS, the City Council finds that this Ordinance will promote the public health, safety, welfare, economic order,

convenience, and aesthetics; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. That the Code of Ordinances of the City of Rockledge, Florida, is hereby amended by adding to Chapter 16 an article to be numbered III which said part reads as follows:

ARTICLE III

ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY

SECTION 16-18. Rockledge Community Redevelopment Agency

By virtue of City of Rockledge Resolution No. 2002-481, adopted on January 23, 2002, the Rockledge Community Redevelopment Agency, was created within the City. Pursuant to Sections 163.356(1) and 163.357(1)(b), Florida Statutes (2003), while the City Council sits as the governing body of the Community Redevelopment Agency, the Community Redevelopment Agency is constituted as a public body, corporate and politic, and as a legal entity, separate, distinct, and independent from the City Council.

SECTION 16-19. Powers

The Rockledge Community Redevelopment Agency is vested with the following powers pursuant to Florida Statutes; Section 163.370.

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this division.

(b) To disseminate redevelopment information.

(c) To undertake and carry out community redevelopment projects and related activities within its area of operation, such projects to include:

1. Acquisition of a slum area or a blighted area of any portions thereof;

2. Demolition and removal of building and improvements;

3. Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the community redevelopment plan;

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan;

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan;

6. Acquisition of real property in the community redevelopment project area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

7. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise, to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities;

8. Acquisitions, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway tracks, bridge entrances or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income;

9. Construction of foundations and platforms necessary for the provision of air rights, sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishings or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities or in connection with a community redevelopment project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(e) Within The Community Redevelopment Area:

1. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property (or other personal property) for its administrative purposes together with any improvements thereon.

2. To hold, improve, clear, or prepare for redevelopment any such property;

3. To mortgage, pledge, hypothecate, or otherwise encumber, or to dispose of any real property;

4. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance;

5. To enter into any contracts necessary to effectuate the purpose of this division.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; to redeem revenue bonds issued pursuant to this part at the redemption price established therein or purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for

the purposes of this division and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to a community redevelopment project and related activities such conditions imposed pursuant to federal laws as the county or municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this division.

(h) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part and with the consent of the City Council to contract with any persons, public or private, in making and carrying out such plans, which plans may include, but not be limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

2. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment projects and related activities;

3. Plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from federal government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced from a community redevelopment area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

(l) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this division.

(m) To close, vacate, plat or replat streets, roads, sidewalks, or other places.

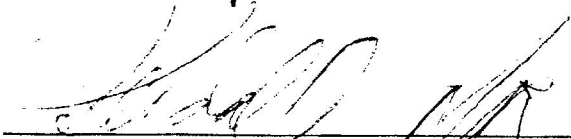
(n) Within its area of operation to organize, coordinate, and direct the administration of the provisions of this division, as they may apply to the City in order that the objective of remedying slum and blighted areas and preventing the causes thereof within the City, and to establish such offices in order to carry out such purposes most effectively.

SECTION 2. That all ordinances or resolutions or parts thereof that may be determined to be in conflict with the statutory authority granted the Rockledge Community Redevelopment Agency shall be deemed inapplicable and repealed as to those parts in conflict therewith within the community redevelopment area.

SECTION 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 4. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

ADOPTED at a regular meeting of the City Council of the City of Rockledge, Florida, this 22nd day of September, 2004.



Chairman, City Council of the City
of Rockledge, Florida

ATTEST:


City Clerk

1st _____ 2004
2nd _____ SEP _____ 2004



Published Daily

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARR who on oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in Brevard County, Florida;

that the attached copy of advertising being a LEGAL NOTICE

(AD#458691-\$107.70) the matter of

CITY OF ROCKLEDGE

in the Court

INAPPLICABILITY NOTICE

was published in the FLORIDA TODAY

in the issues of SEPTEMBER 9, 2004

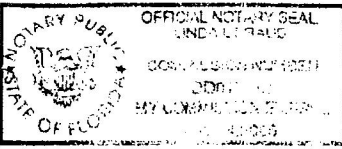
affiant further says that the said FLORIDA TODAY

is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Maureen Farr (Signature of Affiant)

Sworn to and subscribed before this this 9TH DAY OF SEPTEMBER, 2004

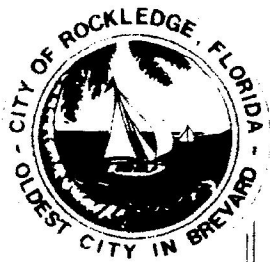
Linda L. Braud (Signature of Notary Public)



LINDA L. BRAUD (Name of Notary Typed, Printed or Stamped)

Personally Known or Produced Identification Type Identification Produced

AD#458691-9/9/2004
NOTICE OF PROPOSED ENACTMENT OF CITY OF ROCKLEDGE ORDINANCE AND PUBLIC HEARING WITH RESPECT THERETO
Please take notice that at the regular meeting of the Rockledge City Council to be held on September 22, 2004, in the Council Chamber of the Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida, commencing at 6:30 p.m., the Rockledge City Council proposes to enact the following entitled ordinance, to-wit: AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELINEATING THE POWERS GRANTED BY FLORIDA STATUTE CHAPTER 163 (2003) AND PROVIDING FOR INAPPLICABILITY OF ANY ROCKLEDGE CODE OR ROCKLEDGE LAND DEVELOPMENT REGULATIONS IN CONFLICT THERewith; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.
The proposed ordinance may be inspected by the public at the office of the City Clerk, Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.
All interested parties are hereby advised that they may appear at said meeting and be heard with respect to the proposed ordinance.
ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISIONS MADE BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING OR HEARING IN THIS NOTICE, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, SAID PERSON OR PARTY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
CITY OF ROCKLEDGE
Betha Beatty Moist
City Clerk



CITY OF ROCKLEDGE

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CITY OF ROCKLEDGE

Betsi Beatty Moist
City Clerk