

RESOLUTION NO. 1836-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, PROVIDING FOR FINDINGS OF NECESSITY RELATING TO THE EXISTENCE OF ONE (1) OR MORE CONDITIONS IN A CERTAIN AREA OF THE CITY OF OVIEDO THAT MEET THE CRITERIA DESCRIBED IN SECTION 163.340(7) OR (8), *FLORIDA STATUTES*; PROVIDING FOR OTHER FINDINGS; PROVIDING FOR THE ACCEPTANCE, APPROVAL AND ADOPTION OF THE OVIEDO COMMUNITY REDEVELOPMENT AREA FINDINGS OF NECESSITY AND REDEVELOPMENT STRATEGY; PROVIDING FOR THE CREATION OF A COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR IMPLEMENTATION; DECLARING THAT THE CITY OF OVIEDO CITY COUNCIL SHALL SERVE AS THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR LIMITATION OF EFFECT; PROVIDING FOR SEVERABILITY, CONFLICT, AND EFFECTIVE DATE.

WHEREAS, on June 24, 2008, the Seminole County Board of County Commissioners adopted a Resolution delegating authority to the City of Oviedo to create a community redevelopment agency within the City of Oviedo in accordance with the provisions of Section 163.410, *Florida Statutes*, related to the exercise of community redevelopment powers in counties with home rule charters and provides, in pertinent part, that “[i]n any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county”, but that “. . . the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality”; and

WHEREAS, the Seminole County Board of County Commissioners Resolution confers certain community redevelopment powers upon the City of Oviedo as specifically enumerated in the Resolution with the County reserving powers not specifically delegated in the Resolution; and

WHEREAS, the City of Oviedo City Council adopted Resolution No. 1261-06 on February 6, 2006 approving the selection of the firm Basil Baumann Prost & Associates for the preparation of a Findings of Necessity to determine whether or not (1) or more conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, exist within the City of Oviedo; and

WHEREAS, Basil Baumann Prost & Associates prepared the *Oviedo Community Redevelopment Area Findings of Necessity and Redevelopment Strategy*, dated May 5, 2008, (the “Study”), that provides supporting data and analysis for resultant findings that (1) or more

conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, exist within a Community Redevelopment Area (the "Redevelopment Area") defined in the Study; and

WHEREAS, the City of Oviedo City Council, based on the supporting data and analysis and resultant findings in the Study, finds the existence of one (1) or more conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, within the boundary of a the Redevelopment Area, and determines that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Redevelopment Area by a community redevelopment agency is necessary and in the best interests of the public health, safety, morals, or welfare of the residents and citizens of the City of Oviedo; and

WHEREAS, conditions are present that are detrimental to the sound economic growth of the Redevelopment Area and that substantially distress, impair or arrest the economic growth within the Redevelopment Area and adjacent territory, and present conditions and uses are detrimental to the public health, safety, morals and welfare; and

WHEREAS, unsafe and unsanitary conditions exist within the Redevelopment Area; and

WHEREAS, the Study provides substantial evidence of the presence of one (1) or more conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, in the Redevelopment Area as evidenced by the following:

- (1) The existence of conditions that endanger life or property by fire or other causes;
- (2) Predominance of defective street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (3) Faulty lot layout in relations to size, adequacy, accessibility or usefulness;
- (4) Unsanitary and unsafe conditions;
- (5) Deterioration of site or other improvements;
- (6) Inadequate and outdated building density patterns;
- (7) Residential and commercial vacancy rates higher in the area than in the remainder of the County or the City; and
- (8) A greater number of violations of the *Florida Building Code* in the area than the number of violations recorded in the remainder of the County or the City; and

WHEREAS, the following additional condition exists within the Redevelopment Area that pertains to open land which may be acquired with regard to residential purposes: The acquisition of the area for residential uses in an integral part of and is essential to the program of the County or the City; and

WHEREAS, the following additional conditions exist within the Redevelopment Area that pertain to open land which may be acquired with regard to non-residential purposes:

- (1) Such non-residential 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;
- (2) Deterioration of site; and
- (3) Economic disuse; and

WHEREAS, deterrents to sound future growth and development exist in the Redevelopment Area; and

WHEREAS, these above stated conditions endanger life and property and substantially impair or arrest the sound economic growth of the Redevelopment Area and are a menace to the public health, safety, or welfare in its present condition and use; and

WHEREAS, action must be taken to prevent further blight and deterioration and to protect and enhance public expenditures in the Redevelopment Area; and

WHEREAS, the City of Oviedo City Council desires to proceed under Part III, Chapter 163, *Florida Statutes*, to establish the necessary means by which sound and positive redevelopment can be accomplished within the Redevelopment Area; and

WHEREAS, the City of Oviedo City Council finds that there is a need for a the creation of a Community Redevelopment Agency to carry out the community redevelopment purposes of the provisions of Part III, Chapter 163, *Florida Statutes*, and such other resolutions, ordinances and laws that may be utilized to further redevelopment within the Community Redevelopment Area; and

WHEREAS, the City of Oviedo City Council, pursuant to Section 163.357, *Florida Statutes*, finds that it may by Resolution declare itself to be the Community Redevelopment Agency, in which case all the rights, powers, duties, privileges, and immunities vested by Part III, Chapter 163, *Florida Statutes*, will be vested in the City Council, subject to all responsibilities and liabilities imposed or incurred; and

WHEREAS, the provisions of this Resolution are consistent with the goals, policies, and objectives of the *City of Oviedo Comprehensive Plan*; and

WHEREAS, all prerequisites having been accomplished and, it is now appropriate and necessary in order to proceed further to provide for sound economic growth in the Redevelopment Area that a community redevelopment plan be prepared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA AS FOLLOWS:

SECTION 1. FINDINGS OF NECESSITY.

(a) The City of Oviedo City Council, based upon evidence presented to it and submitted in the public record, hereby expressly finds that (1) or more conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, exist within the Redevelopment Area as defined in the Study.

(b) The recitals set forth in this Resolution are hereby adopted as legislative findings.

(c) The Study is hereby accepted, approved and adopted as if set forth herein

verbatim.

(d) The City of Oviedo City Council does hereby expressly find that the rehabilitation, conservation or redevelopment, or a combination thereof, of the redevelopment Area more particularly described in Exhibit 1 and depicted in Exhibit 2, attached hereto and adopted herein by this reference, is necessary and in the interest of the public health, safety, morals or welfare of the residents and citizens of the City of Oviedo.

(e) The City Manager is hereby delegated full authority to take all actions necessary to implement the provisions of this Resolution.

(f) The City of Oviedo City Council desires to encourage and give opportunity to private enterprise in its community redevelopment activities.

SECTION 2. Creation of Community Redevelopment Area. For the purpose of this Resolution, the Community Redevelopment Area shall be that Area more particularly described in Exhibit 1 and depicted in Exhibit 2, attached hereto and adopted herein by this reference.

SECTION 3. Creation of Community Redevelopment Agency.

(a) The City of Oviedo City Council does hereby expressly find that it is necessary, appropriate, proper and timely that a Community Redevelopment Agency be created to carry out the community redevelopment purposes of the provisions of Part III, Chapter 163, *Florida Statutes*, and such other resolutions, ordinances and laws that may be utilized to further redevelopment within the Community Redevelopment Area.

(b) The City of Oviedo City Council hereby creates a Community Redevelopment Agency, pursuant to Section 163.357, *Florida Statutes*, to be named the "Oviedo Community Redevelopment Agency", which Agency shall be a public body, corporate and politic, and constitute a public instrumentality.

SECTION 4. Powers and Implementation.

(a) The City of Oviedo City Council does hereby expressly authorize the Oviedo Community Redevelopment Agency created in Section 3 to exercise all powers conferred by Part III, Chapter 163, *Florida Statutes*, necessary or convenient to carry out and effectuate the purposes of community redevelopment within the boundaries of the Community Redevelopment Area created in Section 2.

(b) The City Manager is hereby delegated all authority necessary to implement the provisions of this Resolution.

SECTION 5. City Council to Serve as Community Redevelopment Agency. The City of Oviedo City Council shall serve as the governing body of the Oviedo Community Redevelopment Agency in accordance with Section 163.357(1)(a), *Florida Statutes*, with all rights, powers, duties, privileges, and immunities vested in an agency subject to all responsibilities and liabilities imposed or incurred.

SECTION 6. Limitation of Effects of Resolution.

(a) Notwithstanding anything set forth in this Resolution, the City of Oviedo shall not exceed the delegation of powers made by the Seminole County Board of County Commissioners Resolution adopted on June 24, 2008, in accordance with the provisions of Section 163.410,

Florida Statutes.

(b) The City of Oviedo shall comply with all conditions and requirements imposed by the Seminole County Board of County Commissioners Resolution.

SECTION 7. Severability. If any provisions of this Resolution or the application thereof to any person or circumstance are held invalid, the remainder shall nevertheless be given full force and effect, and to this end the provisions of this Resolution are declared severable.

SECTION 8. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 30th day of June, A.D., 2008.



MARY LOU ANDREWS
MAYOR of the City of Oviedo, Florida

ATTEST:



BARBARA J. BARBOUR
CITY CLERK

EXHIBIT 1

Legal Description

The boundary of the Oviedo Community Redevelopment Area is described as follows:

- Beginning at the intersection of the centerline of West Mitchell Hammock Road and the centerline of Lake Jessup Avenue; hereafter to be known as the Point of Beginning
- Continuing approximately 217 yards north along the centerline of Lake Jessup Avenue
- Continuing approximately 163 yards east along Clonts Street.
- Continuing approximately 128 yards north along the western portion of parcels Section 15 Township 21 Range 31 Subdivision 300 Blocks: 520 & 530
- Continuing approximately 275 yards east along the northern portion of Section 15 Township 21 Range 31 Subdivision 300 Block 520
- Continuing approximately 1,520 yards north along the centerline of Central Avenue (SR 434)
- At the intersection of Central Avenue (SR 434) & Railroad Street, continuing approximately 761 yards northwest along the center of a right of way boarding the western portion of Section 10 Township 21 Range 31 Subdivision 300 Blocks: 030A, 0320, 0310 and the eastern portion of Section 10 Township 21 Range 31 Subdivision 300 Blocks: 0260, 026A, 0270, 0280, 029E, 029A.
- Continuing approximately 115 yards north along the center line of Lake Jessup Avenue
- Continuing approximately 451 yards east along the northern portions of the following lots in Section 10 Township 21 Range 31 Subdivision 503 Block 0000: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
- Continuing east approximately 445 yards along the northern portions of the following lots in Section 10 Township 21 Range 31 Subdivision 507 Block 0000 Lots: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33
- Continuing approximately 311 yards east along the northern portions of the following Blocks in Section 10 Township 21 Range 31 Subdivision 300 Blocks: 0400, 0410, 0420 & the following lots of Section 10 Township 21 Range 31 Subdivision 510: 48, 17, 16
- Continuing approximately 135 yards south along the eastern portion of Section 10 Township 21 Range 31 Subdivision 300 Block 0420
- Continuing approximately 330 yards northeast along the centerline of Geneva Drive (CR 426)
- Continuing approximately 137 yards south on the centerline of Lloyd Drive
- Continuing approximately 308 yards north along the northern portion of Section 10 Township 21 Range 31 Subdivision 300 Block 0930
- Continuing approximately 222 yards south along the eastern portion of Section 10 Township 21 Range 31 Subdivision 300 Block 0930
- Continuing approximately 70 yards east along the centerline of East Franklin Street

- Continuing approximately 453 yards south along the centerline of Stephen Avenue
- Continuing approximately 100 yards south along the centerline of Academy Avenue
- Continuing approximately 186 yards west along the centerline of Boston Avenue
- Continuing approximately 376 yards south through Section 15 Township 21 Range 31 Subdivision 300 Block 0010
- Continuing approximately 202 yards east along the northern portion of Section 15 Township 21 Range 31 Subdivision 501 Block 00A0.
- Continuing approximately 65 yards south along the centerline of Doctors Drive
- Continuing approximately 331 yards south along the western portion of the following Blocks in Section 15 Township 21 Range 31 Subdivision 300: 0020, 0040
- Continuing approximately 430 yards west along the southern portion of Section 15 Township 21 Range 31 Subdivision 300 Block 0040 & Section 15 Township 21 Range 31 Subdivision 501 Block 0000 Lots 0120, 0110, 0080
- Continuing approximately 890 yards south along the eastern portion of Section 15 Township 21 Range 31 Subdivision 300 Blocks: 077A, 074B, 082A, 074A
- Continuing approximately 502 yards west along the centerline of Mitchell Hammock Road
- Continuing approximately 278 yards north along the eastern portion of the following Lots in Section 15 Township 21 Range 31 Subdivision 524 Block 0000: 0030, 0040
- Continuing approximately 117 yards west along the northern portion of Section 15 Township 21 Range 31 Subdivision 524 Block 0000 Lot 0040, then continuing south along the western portion of aforementioned parcel
- Continuing approximately 215 yards west along the northern portion of the following Lots in Section 15 Township 21 Range 31 Subdivision 524 Block 0000: 0020, 001B
- Continuing approximately 210 yards south along the centerline of S Central Avenue (SR 434)
- Continuing approximately 437 yards west along the center line of Mitchell Hammock Road
- Ending at the Point of Beginning.

