

RESOLUTION NO. 2215-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT AND REAFFIRMING THE FINDING OF THE EXISTENCE OF BLIGHT CONDITIONS IN AN AREA OF THE CITY; MAKING DIVERSE SPECIFIC FINDINGS AND DETERMINATIONS IN ACCORDANCE WITH THE CONTROLLING PROVISIONS OF STATE LAW; FINDING THAT THE PLAN CONFORMS TO THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR APPROVAL, ADOPTION AND AUTHORIZING IMPLEMENTATION OF THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR LIMITATION OF EFFECT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN 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

WHEREAS, a study has been completed that confirms conditions of blight in that part of the City of Oviedo (the "Community Redevelopment Area") as more particularly described in Exhibit "A" and depicted in Exhibit "B"; and

WHEREAS, the results of that study have been presented to the City Council of the City for its consideration and are included in the public record; and

WHEREAS, the results of that study have been presented to the Seminole County Board of County Commissioners for its consideration and included in the public record; and

WHEREAS, the City Council of the City of Oviedo adopted Resolution No. 1836-08 on June 30, 2008 finding that one (1) or more conditions that meet the criteria described in Section 163.340(7) or (8), *Florida Statutes*, exist within the Community Redevelopment Area; adopting a Finding of Necessity Study for the Community Redevelopment Area; creating the Community Redevelopment Area; creating a Community Redevelopment Agency; and appointing the City Council to serve as the governing body of the Community Redevelopment Agency to carry out and officiate the purpose and goals of community redevelopment within the boundaries of the community redevelopment area; and

WHEREAS, a community redevelopment plan as contemplated by Part III, Chapter 163, *Florida Statutes*, the "Community Redevelopment Act of 1969," has been prepared which addresses the redevelopment needs original to the City of Oviedo Community Redevelopment Area; and

WHEREAS, on August 24, 2010 the City of Oviedo Planning Zoning and Appeals Board, acting as the City's Local Planning Agency for the purposes of the *Local Government Comprehensive Planning and Land Development Regulation Act*, determined the proposed Community Redevelopment Plan is in conformity with the City's *Comprehensive Plan* for the City as a whole and recommended the approval of the proposed Plan; and

WHEREAS, the Oviedo Community Redevelopment Agency considered the proposed community redevelopment plan on September 9, 2010, recommended approval of the proposed Community Redevelopment Plan; and,

WHEREAS, a copy of the proposed Community Redevelopment Plan was submitted by the Community Redevelopment Agency to the Seminole County Board of County Commissioners, as the governing body of Seminole County, Florida, the St. Johns River Water Management District; the City of Oviedo; and the Seminole County Public Schools; as taxing authorities which levy ad valorem taxes on taxable real property located in Seminole County; and

WHEREAS, the City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Resolution and the public hearing held in relation to this Resolution and has conducted all reviews and analysis in accordance with the controlling provisions of State law; and

WHEREAS, the action taken in this Resolution is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Oviedo*; and

WHEREAS, the notices required by Section 163.346, *Florida Statutes*, have been published, noticed and mailed as required; and

WHEREAS, the City of Oviedo City Council conducted a public hearing on Thursday September 9, 2010, to consider the proposed community redevelopment plan.

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

SECTION 1. Incorporation of Recitals. The City Council finds, declares and determines that the matters set forth in the foregoing recitals are true and correct and are incorporated herein as part of this Resolution. The City Council ratifies and affirms its prior findings and recitals relative to the commencement and implementation of community redevelopment activities within the jurisdictional limits of the City of Oviedo.

SECTION 2. Adoption of Community Redevelopment Plan.

(a). The Oviedo Community Redevelopment Plan provided in Exhibit "C", having been duly received and considered as provided by law, is hereby approved and adopted. Said Plan is hereby designated as the official Oviedo Community Redevelopment Plan for the Community Redevelopment Area. It is the purpose and intent of the City Council that the Oviedo

Community Redevelopment Plan be implemented in the Community Redevelopment Area in accordance with the controlling provisions of State law.

(b). The Oviedo Community Redevelopment Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the Community Redevelopment Area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

SECTION 3. Finding of Conformance. The City Council hereby finds, determines and declares that the Oviedo Community Redevelopment Plan for the Community Redevelopment Area conforms to the *Comprehensive Plan* of the City as required by controlling State law and is consistent with the goals, objectives and policies of the City's *Comprehensive Plan*.

SECTION 4. Finding of Adequacy of Recreational Facilities and Community Policing Innovations. The City Council hereby finds, determines and declares that the Oviedo Community Redevelopment Plan for the Oviedo Community Redevelopment Area gives due consideration to the provision of adequate park and recreational areas and facilities that are desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the area addressed by the Oviedo Community Redevelopment Plan and gives due consideration to the utilization of community policing innovations in the general vicinity of the area addressed by the Oviedo Community Redevelopment Plan.

SECTION 5. Finding of No Anticipated Residential Displacement. The City Council hereby finds, determines and declares that the Oviedo Community Redevelopment plan for the Oviedo Community Redevelopment Area does not anticipate or propose any activities that will have the potential to displace residents who currently reside within the general vicinity of the area addressed by the Community Redevelopment Plan.

SECTION 6. Finding of Maximum Opportunity. The City Council hereby finds, that although the Oviedo Community Redevelopment Plan contemplates that most improvements shall be undertaken by the City or the Community Redevelopment Agency, or the two entities in collaboration, the Oviedo Community Redevelopment Plan will afford the maximum opportunity consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise to the extent contemplated by the Oviedo Community Redevelopment Plan.

SECTION 7. Finding of Effect on Private Enterprise. The City Council hereby finds, determines and declares that the proposed Community Redevelopment plan for the Community Redevelopment Area will afford inaximum opportunity, consistent with the sound needs of the City of Oviedo as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.

SECTION 8. Use of Eminent Domain. The City Council hereby acknowledges that any potential use of the powers of eminent domain by the City shall be in accordance with Section 73, *Florida Statutes*, and taking private property for the purpose of preventing or

eliminating slum or blight conditions is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public purpose requirement of Section 6(a), Article X of the *Constitution of the State of Florida*.

SECTION 9. Delegation of Powers. With the execution of this Resolution, the City and the Oviedo Community Redevelopment Agency shall be deemed to have been delegated all other powers necessary or convenient to carry out and effectuate the purposes and provisions of Part III, Chapter 163, *Florida Statutes*, including, but not limited to, the powers set forth in Section 163.370, *Florida Statutes*.

SECTION 10. Liability. Nothing contained herein shall impose any liability upon Seminole County for any acts of the City or the Oviedo Community Redevelopment Agency.

SECTION 11. Implementing Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies, procedures, processes and rules.

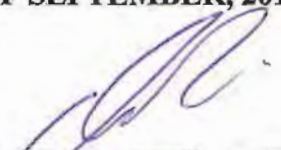
SECTION 12. Savings. The prior actions of the City of Oviedo relating to the City's actions relative to the implementation of community redevelopment activities are hereby ratified and affirmed.

SECTION 13. 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 14. Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 15. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 9th DAY OF SEPTEMBER, 2010.



DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:


BARBARA J. BARBOUR
CITY CLERK



EXHIBIT A
Legal Description

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

- Starting at the intersection of the centerline of West Mitchell Hammock Road and the centerline of Lake Jessup Avenue; hereafter to be known as the starting point
- 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 ROW 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

EXHIBIT A
Legal Description

- 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)
- 437 yards west along the center line of Mitchell Hammock Road

EXHIBIT A
Legal Description

- Ending at the starting point

The following is a general legal description of the properties located within the CRA for Oviedo, FL. Note that all land within the boundary described above is included in the CRA; including, but not limited to, roadways, ROWs, public and private lands.

Section 10, Township 21, Range 31

- Subdivision 300
 - Blocks 6, 8, 10, 25C, 30, 30A, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 41A, 42A, 43, 43A, 44, 45, 45A, 46, 46A, 46B, 47, 48, 49, 50, 51, 52, 53, 53A, 54, 54A, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 65A, 65B, 65C, 65D, 66, 68, 69, 70, 73B, 75, 75A, 75B, 75C, 77, 77A, 79, 80, 81, 81A, 83, 83A, 83B, 83C, 84, 85, 85A, 86, 86A, 86B, 87, 88, 89, 90, 91, 91A, 91B, 92, 92A, 93, 93B, 94, 94C, 95, 95A

- Subdivision 503
 - Block 0000
 - Lots 1, 4, 6, 11, 13, 16, 19, 21, 22, 26, 27, 28, 29, 30, 33, 35, 36, 38, 38A, 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 59, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73

- Subdivision 505
 - Block 0A00
 - Lots 1, 2

 - Block 0B00
 - Lots 1, 2, 2A, 3, 6, 7, 10, 10A, 12, 15, 18, 19, 20, 21

 - Block 0C00
 - Lots 1, 7, 8, 10, 11, 11A, 13, 14, 15, 15A, 16

- Subdivision 506
 - Block 0000
 - Lots 1, 6, 7, 8, 9, 10, 11, 12, 13

- Subdivision 507
 - Block 0000
 - Lots 15, 16, 17, 19, 19A, 20, 23, 25, 26, 27, 28, 29, 30, 32, 34, 35, 38, 39

- Subdivision 508
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12

- Subdivision 509
 - Block 0000
 - Lots A, B, D, E, F, F1, G

EXHIBIT A
Legal Description

- Subdivision 510
 - Block 0000
 - Lots 1, 3, 5, 6, 7, 8, 8A, 9, 11, 12, 12A, 13, 17, 19, 21, 23, 25, 26, 26A, 27, 27A, 29, 29A, 33, 33A, 34, 34A, 35, 36, 36A, 37, 41, 42, 43, 45, 47

- Subdivision 511
 - Block 0000
 - Lots 1, 2, 4, 6, 8, 9, A, B, C, D, E, 11, 13, 15, 17, 20, 22, 25, 27, 28, 29, 31, 32, 35, 35, 39

- Subdivision 512
 - Block 0000
 - Lots 1, 2, 2A, 3, 3A, 3B, 4, 4A, 4B, 4C, 5, 12, 12A, 13, 13A, 13B, 13D, 13E, 13F, 14

- Subdivision 513
 - Block 0000
 - Lots 1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21, 23, 27, 28, 29, 31, 33, 35, 37

- Subdivision 514
 - Block 0000
 - Lots 1, 2, 3, 7, 8, 11, 13, 19, 21, 24, 25, 27, 29, 31, 32, 33, 34, 36, 38, 41, 43, 45, 47, 51, 53, 54, 56, 57, 58, 89, 60, 61, 65, 66, 68, 70, 71, 75, 77, 79

- Subdivision 515
 - Block 0000
 - Lots 1, 4, 6, 7, 8, 11, 14, 15, 18, 19, 21, 23, 25, 27, 30, 33, 34, 35, 36, 38, 40, 41, 42, 44, 47

- Subdivision 516
 - Block 0000
 - Lots 8B, 9

- Subdivision 519
 - Block 0000
 - Lots 20, 21

- Subdivision 523
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

 - Blocks 0100, 0200, 0300, 0400

- Subdivision 525
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 6, 7, 8

EXHIBIT A
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- Subdivision 528
 - Block 0000
 - Lots 1, 3

 - Block 0A00

Section 11, Township 21, Range 31

- Subdivision 300
 - Blocks 1, 1A, 6, 7, 8, 9, 12B, 14, 15, 16, 16A, 17, 18, 19, 19A, 19B, 19C, 20, 21, 22, 23, 24, 24A, 24B, 24C, 25, 26, 27, 28, 29, 29A, 29B, 29C, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45A
- Subdivision 510
 - Block 0B00
 - Lots 13, 14

 - Block 0B0A
- Subdivision 511
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Section 14, Township 21, Range 31

- Subdivision 300
 - Block 1B
- Subdivision 501
 - Block 0000
 - Lots 1, 2, 4, 6, 8, 10, 12, 16, 18, 20, 21, 23, 24, 25, 26, 28
- Subdivision 504
 - Block 0C00
- Subdivision 5MC
 - Block 0000
 - Lots 337, 338, 339

Section 15, Township 21, Range 31

- Subdivision 300
 - Blocks 1, 2, 3, 4, 5, 6, 7, 8, 8A, 9, 10, 10A, 11, 11A, 11B, 11C, 11E, 12, 12B, 13, 13A, 14, 15, 15A, 16, 17, 17A, 17B, 17C, 18, 19, 20, 21, 22, 23, 23A, 24, 25, 26, 26A, 26B, 26D, 27, 27A, 28, 28A, 29, 29A, 30, 30A, 31, 32, 33, 33A, 33B, 35, 52, 52A, 52B, 53, 54A, 54B, 55, 56, 57, 57A, 57B, 57C, 57D, 57E, 58, 59, 60, 61, 62, 63, 63A, 65, 66, 69,

EXHIBIT A
Legal Description

69A, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 69J, 69K, 69L, 70, 74, 74A, 74B, 74C, 76,
76B, 77A, 82A, 84, 86, 87, 88, 89, 90, 91

- Subdivision 501
 - Block 0000
 - Lots 1, 2, 3, 3A, 3B, 5, 5A, 6, 6A, 6B, 7, 8, 8A, 8B, 9, 9A, 9B, 9C, A, H, H1, H2, 12, 12A, 12B, 13, 14

- Subdivision 502
 - Block 0000
 - Lots 1, 3

- Subdivision 504
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 5A, 6, 7, 11, 15

- Subdivision 506
 - Block 0A00
 - Lot 1

 - Block 0B00

 - Block 0E00
 - Lots 1, 2, 3, 11, 12, 15, 19

 - Block 0F00
 - Lot 1

- Subdivision 511
 - Block 0A00
 - Lots 1, 2, 4, 5

 - Block 0B00
 - Lots 1, 2, 4, 5, 7, 9, 11

 - Block 0C00
 - Lots 1, 3, 5, 7, 9, 11

 - Block 0D00
 - Lots 1, 7

- Subdivision 512
 - Block 0A00
 - Lots 1, 4, 6, 11

EXHIBIT A
Legal Description

- Block 0B00
- Lots 1, 7, 11, 14, 17

- Block 0C00
- Lots 1, 4, 7, 11, 14, 17

- Block 0D00
- Lots 1

- Subdivision 513
 - Block 0A00
 - Lots 1, 5, 5A, 7

 - Block 0B00
 - Lots 1, 3, 6, 8

 - Block 0C00
 - Lots 1, 3, 6, 8

 - Block 0D00
 - Lots 1, 6, 8

- Subdivision 515
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 5A, 6, 6A, 7, 8, 9, 10

- Subdivision 516
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

- Subdivision 517
 - Block 0000
 - Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

- Subdivision 521
 - Block 0C00

- Subdivision 522
 - Block 0000
 - Lot 1

- Subdivision 523
 - Block A, B, C

EXHIBIT A
Legal Description

- Subdivision 524
 - Block 0000
 - Lots 1B, 2, 3, 3A, 4, 4A, 4B

- Subdivision 525
 - Block 0A00

- Subdivision 526
 - Block 0000
 - Lots A, B, C, D

- Subdivision 5KU
 - Block 0000
 - Lot 33

**Exhibit B
Location Map
Oviedo Community Redevelopment Area**

