ORDINANCE NO. 66-1982

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA CREATING A NEW CHAPTER NUMBERED 6C ENTITLED "COMMUNITY REDEVELOPMENT AGENCY, PROVIDING FOR TITLE, FINDINGS OF FACT, DEFINITIONS, DESIGNATING COMMUNITY REDEVELOPMENT AREA, PROVIDING FOR APPOINTMENT OF AGENCY, PROVIDING FOR POWERS AND LIMITATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Titusville on the 12th day of October, 1982, adopted Resolution No. 27-1982, finding that there is one or more slum or blighted areas within the city limits of the City of Titusville and that the rehabilitation, conservation, or redevelopment thereof is in the best interests of the public health, safety, morals, and welfare of the residents of the City of Titusville; and,

WHEREAS, the City Council of the City of Titusville has previously designated an area as appropriate for a community redevelopment project; and,

WHEREAS, the City Council of the City of Titusville on the 12th day of October, 1982, adopted a resolution finding a need for a community redevelopment agency; and,

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA, as follows:

SECTION 1. That the Code of Ordinances of the City of Titusville is amended by adding a new chapter numbered 6C entitled "Community Redevelopment Agency" which reads as follows:

Sec. 6C-1. Title. This ordinance shall be known as the Community Redevelopment Agency ordinance.

Sec. 6C-2. Findings.

(1) It is hereby found and declared that there exist in the City of Titusville a slum and blighted area which constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the city; that the existence of such area contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of city policy and city concern in order that the city shall not continue to be endangered by areas which are local centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police,

fire, accident, hospitalization, and other forms of public protection, services and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

Sec. 6C-3. Definitions. The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) "Agency" or "Community Redevelopment Agency" -- A public agency created by s. 163.356 or s. 163.357.

(2) "Slum Area" -- An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and over-crowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors in conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals or welfare.

(3) "Blighted Area" -- either:

(a) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

(1) Predominance of defective or inadequate street layout;

(2) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(3) Unsanitary or unsafe conditions;

(4) Deterioration of site or other improvements;

(5) Tax or special assessment delinquency exceeding the fair value of the land; and

(6) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities in capable of handling the volume of

traffic flow into or through the area, either at present or following proposed construction.

(4) "Community Redevelopment Project" -- Undertakings and activities of a community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include sum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan.

(5) "Community Redevelopment Area" -- A slum area or a blighted area or a combination thereof which the governing body designates as appropriate for a community redevelopment project.

(6) "Community Redevelopment Plan" -- A plan, as it exists from time to time, for a community redevelopment project.

(7) "Bonds" -- Any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(8) "Person" -- Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(9) "City Council" -- Governing body of the City of Titusville, Florida.

Sec. 6C-4. Community Redevelopment Area. The area hereinafter described is hereby designated as the Community Redevelopment Area which shall be the area considered for the community redevelopment project and the Community Redevelopment Agency shall have jurisdiction within this area:

SEE ATTACHED

Sec. 6C-5. Appointment of Members, Term of Office, and Removal. The Community Redevelopment Agency shall consist of five (5) members. The terms of office of the members shall be for four (4) years, except that three (3) of the members first appointed shall be designated to serve terms of one, two and three years respectively from the date of their appointments, and two (2) members shall be designated to serve for terms of four years from the date of their appointment. Any vacancies occurring during a term shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and qualified.

A member shall receive no compensation for his services but shall be entitled to necessary expenses, including travel expenses incurred in the discharge of his duties.

A majority of the members shall constitute a quorum for purposes of conducting business. Action may be taken by the Agency upon a vote of a majority of the members present unless providing otherwise in by-laws.

Qualification of membership shall be governed by s. 163.356, Florida Statutes (1982).

The City Council may remove any member with or without cause upon giving at least ten (10) days notice.

The Agency may employ technical experts, an executive director and such other agents and employees as it may require, consistent with the duly adopted budget.

The City Council shall designate the chairman and the vice-chairman and the members shall designate such other officers as they deem appropriate. The Agency shall adopt such bylaws as are consistent with their powers and duties to carry out the functions of the Agency.

A representative of the City staff as designated by City Manager may serve as an ex officio member.

Sec. 6C-6. Powers and Duties. The Community Redevelopment Agency shall have such powers as authorized by s. 163.370, Florida Statutes (1982), and as hereinafter provided:

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

(2) To disseminate redevelopment information.

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

(a) With the approval of the City Council, acquisition of a slum area or a blighted area or any portion thereof;

(b) With the approval of the City Council, demolition and removal of buildings and improvements;

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the Community Redevelopment Plan.

(d) Disposition of any property acquired in the Community Redevelopment Area at its fair value for uses in accordance with the Community Redevelopment Plan;

(e) 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;

(f) With the approval of the City Council, 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 pruposes, and resale of the property;

(g) With the approval of the City Council, 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;

(h) Acquisitions without regard to any requirements that the area be a slum or blighted area, or 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 the 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;

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

(4) To provide, or to arrange or contract for, the furnishing 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 undertakings 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;

(5) Within its area of operation:

(a) With the approval of the City Council, to acquire by purchase lease, option, gift, grant, bequest, devise, or otherwise except in eminent domain, any real property (or personal property for its administrative purposes) together with any improvements thereon;

(b) To hold, improve, clear or prepare for redevelopment any such property;

(c) With the approval of the City Council, to mortgage, pledge, hypothecate, or otherwise encumber to dispose of any real property;

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

(e) To enter into any contracts necessary to effectuate the purpose of this part.

(6) 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 subject to their control; to redeem revenue bonds issued pursuant to this part at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;

(7) With the approval of the City Council, 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 part, 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 part;

(8) 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 to contract with any person, public or private, in making and carrying out such plans, which plans may include, but not be limited to:

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

(b) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of Community Redevelopment Projects and related activities;

(c) 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.

(9) 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 of providing housing for families and persons of low income;

(10) To apply for, accept, and utilize grants of funds from the federal government for such purposes;

(11) 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.

(12) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this part;

(13) With the approval of the City Council, to close, vacate, plan or replan streets, roads, sidewalks or other places.

(14) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this part, 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.

(15) With the approval of the City Council, the Community Redevelopment Agency may:

(a) Prior to approval of a Community Redevelopment Plan or approval of any modifications of the plan, acquire real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment project.

Sec. 6C-7. Powers Reserved by Council. The following powers are hereby expressly reserved and vested in the City Council:

(1) The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for a Community Redevelopment Project, and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to Community Redevelopment Plans and Modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385, Florida Statutes.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4), Florida Statutes, and the power to assume the responsibility to bear loss as provided in s. 163.370(4), Florida Statutes.

(5) The power to zone and rezone any part of the Community Redevelopment Area and to enforce or waive any building code or regulation.

SECTION 2. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED this 12th day of October, 1982.

Truman Scarborough, Jr., Mayor

Attest:

Janet Camacho, City Clerk

North - The northwest property line of Parcel 28, Section 33, running southwest-northeast and extending from FEC railroad on the west to the center of the navigable portion of the Indian River on the east.

West - A line running generally north and south and parallel to the FEC railroad and extending from the intersection of the north boundary to the centerline of Grace Street on the south.

South - An east-west line running parallel with the centerline of Grace Street and extending from FEC railroad on the west to the center of the navigable portion of the Indian River on the east.

East - A line running generally north and south but continuous to the center of the navigable portion of the Indian River and extending from the intersection with the south boundary as described above intersection with the north boundary as described above.