

RESOLUTION NO. 2004-07

A RESOLUTION OF THE CITY OF OCOEE, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; FINDING THE EXISTENCE OF BLIGHT CONDITIONS IN AN AREA OF THE CITY OF OCOEE; MAKING CERTAIN FINDINGS AND DETERMINATIONS; FINDING A NEED FOR CREATING A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Community Redevelopment Act of 1969, as codified in Part III of Chapter 163, Florida Statutes (the "Redevelopment Act"), empowers counties and municipalities to undertake community redevelopment in order to eliminate, remedy or prevent blighted areas; and

WHEREAS, a study has been done of the conditions of that part of the City of Ocoee, known and referred to as the Highway 50 Corridor, as more particularly described on Exhibit "A" hereof (such areas being referred to herein as the "Area"); and

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

WHEREAS, under Section 163.410, Florida Statutes, in any county which has adopted a home rule charter, the powers conferred by the Redevelopment Act are to exercised exclusively by the governing body of such county unless the governing body of such county, by resolution, specifically delegates the exercise of such powers within the corporate boundaries of a municipality to the governing body of such municipality; and

WHEREAS, after having considered the study's determinations and the facts and evidence of conditions in the Area and having received and considered such other evidence of the conditions in the Area as have been presented to it, the City Commission of the City of Ocoee has determined that certain actions are appropriate and necessary and should be taken to address the conditions now present and expected to be present in the Area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and by this reference are incorporated herein and made a part hereof.

Section 2. Authority. The City Commission of the City of Ocoee has the authority to adopt this Resolution pursuant to Article VII of the Constitution of the State of Florida, Part III of Chapter 163, Florida Statutes and Chapter 166, Florida Statutes.

Section 3. Notice. The City Commission of the City of Ocoee hereby finds that all public notices and notices to taxing authorities were timely and properly published and mailed pursuant to Section 163.346, Florida Statutes (2003).

Section 4. Finding of Conditions. Based upon the evidence, data and facts presented to it, the City Commission does hereby find:

(a) The Area is one in which a substantial number of deteriorated structures exist which are leading to economic distress and the endangerment of life or property;

(b) There exists a predominance of defective or inadequate street layout, roadways, and public transportation facilities within the Area;

(c) Currently, the Area experiences traffic congestion, a lack of supporting utilities and a lack of good transportation network, sidewalks, and other pedestrian-oriented amenities. Such defects constitute a deterioration of the Area, pose an immediate and identifiable threat to pedestrians and constitute an unsafe condition within the Area;

(d) The Area experiences unsanitary conditions in the form of frequent bursts and spills in the main sewer line of the wastewater system;

(e) Deterioration of site and other improvements has occurred, resulting in a predominance of physically unsound buildings and structures within the Area;

(f) The incidence of crime in the Area is higher than in the remainder of the City of Ocoee;

(g) Fire and emergency medical calls to the Area are proportionately higher than in the remainder of the City of Ocoee; and

(h) Diversity of ownership of land within the Area prevents private interests from investing in and reversing the blighted condition of property within the Area.

Section 5. Finding of Necessity. The City Commission of the City of Ocoee does hereby expressly find that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the City of Ocoee.

Section 6. Community Redevelopment Area. Based upon facts presented to it and contained in the public record, the City Commission of the City of Ocoee does hereby find that the Area contains conditions of blight as defined in Section 163.340, Florida Statutes (2003), and that such area constitutes a community redevelopment area as defined in Section 163.340(10), Florida Statutes (2003).

Section 7. Community Redevelopment Agency. The City Commission of the City of Ocoee does hereby expressly find that it is necessary, appropriate, proper and timely that a community redevelopment agency be created to carry out community redevelopment as contemplated by the Redevelopment Act to further, cause, promote and encourage rehabilitation, conservation and redevelopment within the Area.

Section 8. Approval of the County. The City Commission of the City of Ocoee does hereby direct the City staff to request from Orange County, Florida a resolution delegating to the

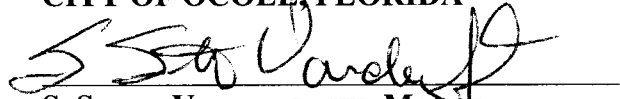
City of Ocoee the exercise of the powers conferred by the Redevelopment Act within the corporate boundaries of the City of Ocoee, as provided in Section 163.410, Florida Statutes (2003).

Section 9. Effective Date. This resolution shall take effect immediately upon its approval.

PASSED AND ADOPTED this 21st day of September, 2004.

APPROVED:

CITY OF OCOEE, FLORIDA


S. SCOTT VANDERGRIFT, MAYOR

ATTEST:


Beth Eikenberry, City Clerk

(SEAL)

**ADVERTISED: September 9, 2004 AND
September 12, 2004.**

**FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND
LEGALITY** this 21 day of
September, 2004.

**APPROVED BY THE OCOEE CITY
COMMISSION ON September 21, 2004.
UNDER AGENDA ITEM NO. VI B**

FOLEY & LARDNER LLP


By: 
CITY ATTORNEY

EXHIBIT "A"

COMMUNITY REDEVELOPMENT AREA

