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RESOLUTION NO. 2009-20

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, MAKING THE LEGISLATIVE FINDING THAT THE CONDITIONS IN THE AREA GENERALLY DESCRIBED AS BOUNDED ON THE NORTH BY COCOA ISLES BOULEVARD, ON THE EAST BY THE ATLANTIC OCEAN, ON THE SOUTH BY 5TH STREET SOUTH AND A WESTERLY EXTENSION THEREOF, AND ON THE WEST BY BREVARD AVENUE SOUTH OF MINUTEMEN CAUSEWAY, AND NORTH OF MINUTEMEN CAUSEWAY MIDBLOCK BETWEEN WOODLAND AVENUE AND CEDAR AVENUE, AND ALSO INCLUDING THOSE LANDS WEST OF BREVARD AVENUE BETWEEN FOURTH STREET SOUTH AND RAMP ROAD, MEET THE CRITERIA OF FLORIDA STATUTE § 163.340(8), FOR THE ESTABLISHMENT OF A COMMUNITY REDEVELOPMENT AGENCY IN ACCORDANCE WITH PROVISIONS OF PART III OF CHAPTER 163, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City of Cocoa Beach, Florida City Charter Section 6.07 Community Redevelopment Agency (CRA) referendum requirement states that the City of Cocoa Beach shall not establish or retain a Community Redevelopment Agency as defined by Florida Statute without obtaining the approval of a majority of the qualified voters casting ballots in a referendum, and;

WHEREAS, on September 6, 2007, the City Commission adopted Resolution 2007-22, placing the referendum question of creation of a Community Redevelopment Agency for the City's downtown area on the ballot of January 29, 2008, and;

WHEREAS, pursuant to the City of Cocoa Beach, Florida City Charter Section 6.07 Community Redevelopment Agency (CRA) referendum requirement, the requisite affirmative vote was achieved by a vote of the City's electorate on January 29, 2008, and;

WHEREAS, on April 3, 2008, the City Commission adopted Resolution No. 2008-13, requesting the County Commission of Brevard County, delegate to the City Commission, the powers conferred upon the County by Part III of Chapter 163 F.S., for the area "generally located from Cocoa Beach Isles Boulevard on the North to Sixth Street South on the South and from Cedar Avenue, and Southerly extension thereof, on the West to the Atlantic Ocean on the East", and;

WHEREAS, on May 29, 2008, the Board of County Commissioners of Brevard County, Florida adopted Resolution 08-128, delegating all powers under Part III, Chapter 163, Florida Statutes, to the City Commission [Council] of the City of Cocoa Beach, Florida, to create, operate, and maintain the Cocoa Beach Community Redevelopment Agency, and;

WHEREAS, the City has prepared a Finding of Necessity Report dated July, 2009, and said report identifies that, as a general matter, the historic downtown area of the City and its resources are in a state of physical decline, underutilized, or improperly deployed, limiting the City's ability to maximize the economic potential of this area; and,

46 WHEREAS, the above referenced report documents that at least six of conditions of blight exist in
47 the Downtown Area which may be considered a detriment to Cocoa Beach's Downtown longer-term
48 vitality and sustainability. These conditions are:

- 49 • *Predominance of defective or inadequate street layout, parking facilities, roadways,*
50 *bridges, or public transportation facilities;*
- 51 • *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- 52 • *Unsanitary or unsafe conditions;*
- 53 • *Deterioration of site or other improvements;*
- 54 • *Inadequate and outdated building density patterns; and,*
- 55 • *A greater number of violations of the Florida Building Code in the area than the number*
56 *of violations recorded in the remainder of the county or municipality.*

57 , and;

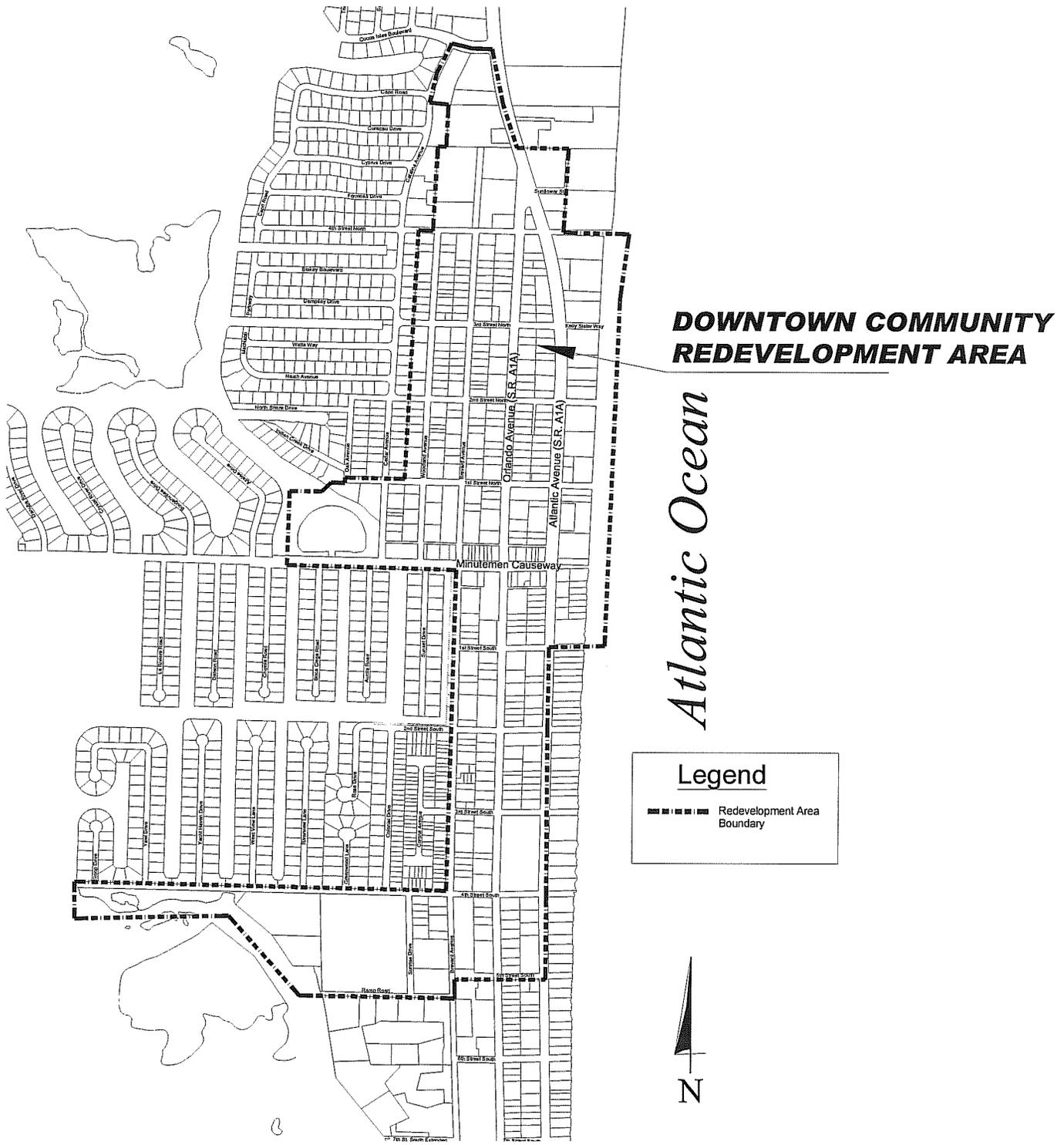
58
59 WHEREAS, on August 6, 2009 and continued to August 20, 2009, the City Commission held a
60 duly noticed public hearing, in accordance with the requirements of § 163.346, Florida Statutes, at which
61 time each taxing authority which levies ad valorem taxes on taxable real property contained within the
62 geographic boundaries of the redevelopment area, and the all persons desiring to speak on the Finding of
63 Necessity for establishment of a Community Redevelopment Agency were given the opportunity to be
64 heard.

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67 NOW THEREFORE, the City Commission of the City of Cocoa Beach, Florida hereby finds and
68 determines as follows:

- 69
70 1. The above whereas clauses are true, accurate, correct and meet the criteria necessary for
71 the establishment of a Community Redevelopment Agency.
- 72
73 2. There exists a blight area, as that term is defined in Florida Statute § 163.340(8), within the
74 City of Cocoa Beach, with said blight area more particularly described in Exhibit "A," attached
75 hereto and incorporated herein.
- 76
77 3. The repair, rehabilitation, conservation, or redevelopment, or a combination thereof, of such
78 area is necessary in the interest of the public health, safety, morals or welfare of the residents
79 of the City of Cocoa Beach, Florida.
- 80
81 4. The adoption of this Resolution with its finding of blight authorizes the City Commission to
82 declare itself, by adoption of a separate resolution, to be the Downtown Cocoa Beach
83 Community Redevelopment Agency to implement and further the repair, rehabilitation,
84 conservation, and/or redevelopment of the described area in accordance with the powers of a
85 community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes.
- 86
87 5. This Resolution shall become effective upon its passage and adoption.
- 88

EXHIBIT "A" to RESOLUTION NO. 2009-20

Graphic Delineation of Downtown Cocoa Beach Community Redevelopment Area



NOTE: Not to Scale

EXHIBIT "B" to RESOLUTION NO. 2009-20

Legal Description of Downtown Cocoa Beach Community Redevelopment Area

Land within the City of Cocoa Beach, Brevard County, Florida more particularly described as:

That land area bounded on the north by Cocoa Isles Boulevard, on the west by Catalina Avenue, on the on the south by Fourth Street North, and on the east by North Atlantic Avenue, but excluding the Cocoa Isles Apartments Condominium as described in O.R. Book 1287, Page 96, Public Records of Brevard County, Florida, and excluding the Highland House Condominium Apartments, Phases I, II, III, and IV as described in O.R. Book 2091, Page 147, O.R. Book 2100, Page 1386, O.R. Book 2263, Page 1971, and O.R. Book 2225, Page 344, Public Records of Brevard County, Florida, and excluding the Catalina East Condominium, Phase I, as described in O.R. Book 1694, Page 467, Public Records of Brevard County, Florida;

and,

TRACT 10, and part of the vacated alley east of Tract 10, Plat of Resubdivision ... of the Plat of Sea Crest Beach subdivision, according to the plat thereof as recorded in Plat Book 9, Page 27, Public Records of Brevard County, Florida;

and,

That land area bounded on the north by Fourth Street North, on the west by Woodland Avenue, on the south by Minutemen Causeway, and on the east by the Atlantic Ocean;

and,

Blocks 112, 113,114, and 115, Seventh Addition to the Plat of Cocoa Beach subdivision, according to the plat thereof as recorded in Plat Book 11, Page 11, Public Records of Brevard County, Florida;

and,

Block 115A, and any and all condominiums lying within, Eighth Addition to the Plat of Cocoa Beach subdivision, according to the plat thereof as recorded in Plat Book 11, Page 25, Public Records of Brevard County, Florida;

and,

Beach Professional Condominium as described in O.R. Book 2547, Page 1601, Public Records of Brevard County, Florida;

and,

Lookout Point Apartment Condominiums as described in O.R. Book 2465, Page 2175, Public Records of Brevard County, Florida;

and,

Property located at 412 North 1st Street described as Part of Section 10, Township 25 South, Range 37 East, as described in O.R. Book 500, Page 624, Public Records of Brevard County, Florida;

and,

EXHIBIT "B" (continued) to RESOLUTION NO. 2009-20

Lots 1 to 13, Royal Palm Island subdivision, according to the plat thereof as recorded in Plat Book 11, Page 76, Public Records of Brevard County, Florida;

and,

That land area bounded on the north by Minutemen Causeway, on the west by South Brevard Avenue, on the south by First Street South, and on the east by the Atlantic Ocean;

and,

That land area bounded on the north by First Street South, on the west by South Brevard Avenue, on the south by Fifth Street South and an extension thereof west to South Brevard Avenue, and on the east by South Atlantic Avenue;

and,

That land area bounded on the north by Fourth Street South, on the west by the Banana River Avenue, on the south by Ramp Road, and on the east by South Brevard Avenue;

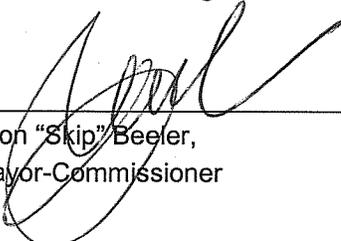
and,

Including any and all abutting rights of way of the above described lands.

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Upon Motion by Commission Griffin and seconded by Commissioner Beeler, Resolution 2009-20 was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 20th day of August, 2009.

Ayes:	<u>5</u>
Nays:	<u>0</u>
Absent or Abstaining:	<u>0</u>



Leon "Skip" Beeler,
Mayor-Commissioner

ATTEST:



Loredana Kalaghchy, CMC
City Clerk