

ORDINANCE NO. 2006-23

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA; MAKING FINDINGS; PROVIDING FOR JURISDICTIONAL FINDINGS, AREA AFFECTED, FINDINGS OF BLIGHT AND NECESSITY AND A NEED FOR THE COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE FUNCTION OF COMMUNITY REDEVELOPMENT IN AN EXPANDED AREA; PROVIDING FOR THE PROVISIONS OF CHAPTER 10, ARTICLE IV, TO BE EFFECTIVE WITHIN AN EXPANDED AREA OF THE CITY; AMENDING THE DOWNTOWN COMMUNITY REDEVELOPMENT PLAN; AMENDING ORDINANCE NO. 82-58, CITY CODE, BY PROVIDING A LEGAL DESCRIPTION OF THE ADDITIONAL AREA TO BE INCLUDED WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 10-101, CITY CODE, WITH REGARD TO THE EXPANDED BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AREA AND TO INCLUDE THE MAY 2006 AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING A TERMINATION DATE FOR THE COMMUNITY REDEVELOPMENT DISTRICT AND AGENCY; PROVIDING FOR THE DISPOSITION OF TRUST FUND MONIES; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, pursuant to Section 163.360, Florida Statutes, on July 10, 1979, the City Council of the City of Melbourne created the Downtown Community Redevelopment Agency, a body of the City Council of the City of Melbourne to create and operate a Chapter 163, Florida Statutes, Community Redevelopment Agency generally known as the Downtown Community Redevelopment Agency within the area described in Section 10-101, City Code; and

WHEREAS, pursuant to Section 163.361, Florida Statutes, the boundaries of the Downtown Community Redevelopment Agency may be adjusted; and

WHEREAS, Resolution No. 1937 was approved by the Melbourne City Council on June 14, 2005, including findings of necessity for the expansion of the district; and

WHEREAS, the Downtown Melbourne Community Redevelopment Advisory Agency Committee recommended approval of the redevelopment plan on November 4, 2005; and

WHEREAS, the Melbourne City Council approved the Downtown Community Redevelopment Plan (the redevelopment plan) by Ordinance No. 82-58 on December 28, 1982; and

WHEREAS, the redevelopment plan amendment will expand the boundaries of the district and include new transportation projects in the expansion area; and

WHEREAS, the Melbourne City Council and the Local Planning Agency have found the proposed amendment to the redevelopment plan to be consistent with the Comprehensive Plan; and

WHEREAS, the rehabilitation, conservation and redevelopment or a combination thereof of the aforesaid area is necessary in the interest of the public health, safety, morals and welfare of the residents of the City of Melbourne, and in the interest of implementing the intent of the Florida Legislature as expressed in the Community Redevelopment Act of 1969, as amended, by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth and providing infrastructure; and

WHEREAS, the State of Florida has found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increase tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. Jurisdictional Findings and Area.

(a) That the area of Melbourne more fully described in Section 1.(b) of this ordinance, which area is wholly within the corporate limits of the City of Melbourne, is and has been found

by virtue of the adoption of Resolution No. 1937 and declared to be a “blighted area,” as defined and within the purpose and intent of Chapter 163, Part III, Florida Statutes.

(b) The expansion area subject to this ordinance is described as lying and situate in the State of Florida, County of Brevard, to-wit:

SOUTHERN EXPANSION:

A series of Parcels, Lots, and Rights-of-way located within Township 28 South, Range 37 East, Sections 2, 3, 10, and 11, Melbourne, Brevard County, Florida, being more particularly described as follows:

Commence and Begin at the intersection of the West line of Lot 4, Metcalf’s Unrecorded Plat of Wright Brother’s Tract, as recorded in Deed Book 70, Page 142, Public Records of Brevard County, Florida, and the southern bank of Crane Creek; thence run and meander east and north along the south bank of Crane Creek for a distance of 2,100 feet more or less to a point, said point being the intersection of the south bank of Crane Creek and the east line of Lot 14, Block 1, Crane Cliff Subdivision as recorded in Plat Book 2, Page 32, Public Records of Brevard County, Florida; thence continue and meander south and east along the west bank of the Indian River Lagoon for a distance of 7,100 feet more or less to a point, said point being the intersection of the west bank of the Indian River Lagoon and the south line of lands described in Official Records Book 3991, Page 2192, Public Records of Brevard County, Florida; thence run west along the south line of said lands described in Official Records Book 3991, Page 2192 for a distance of 220 feet more or less to a point, said point lying along the east right-of-way line of Riverview Drive (R/W varies); thence run northwesterly along the east line of Riverview Drive for a distance of 20 feet more or less to a point, said point being the easterly projection of the south right-of-way of University Boulevard (R/W varies); thence run west along the south right-of-way of University Boulevard for a distance of 1,480 feet more or less to a point, said point being the intersection of the westerly extension of the south right-of-way line of University Boulevard and the east right-of-way line of the Florida East Coast Railroad (FECRR - R/W varies); thence run northwesterly along the east right-of-way line of the FECRR for a distance of 2,900 feet more or less to a point, said point being the intersection of the east right-of-way line of the FECRR and the easterly extension of the south property line of lands described as the south 108 feet of the north 150 feet of Lot 10, Block 3, Hopkins Plat as described in Official Records Book 2, Page 65, Public Records of Brevard County, Florida; thence run west along said easterly extension for a distance of 200 feet more or less to a point, said point being the southwest corner of the aforementioned Lot 10, Block 3; thence run southeasterly along the east line of lands described as a parcel 315 feet by 70 feet by 310 feet lying east of Lot 9, Block 3, Plat of Hopkins (Plat Book 2, Page 65), Public Records of Brevard County, Florida, for a distance of 210 feet more or less to a point, said point being the southeast corner of the aforementioned parcel; thence run west along the south line of said parcel for a distance of 70 feet more or less to a point, said point being the southwest corner of the aforementioned parcel; thence run north along the west line of said parcel for a distance of 200 feet more or less to a point, said point being the intersection of the west line of the aforementioned parcel and the southeast corner of lands described as the north 145 feet of the east ½ of Lot 9, Block 3, except road right-of-way, of Hopkins Plat (Plat Book 2, Page 65); thence run west along the south line of the aforementioned east ½ of Lot 9, Block 3 to a point, said point being the southwest corner of the said east ½ of Lot 9, Block 3; thence run south along the east line of lands described as the west ½ of Lot 9 as

described in Deed Book 327, Page 254, Block 3 (except Deed Book 377, Page 117 and road R/W) Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida, for a distance of 35 feet more or less to a point, said point being the southeast corner of the aforementioned west ½ of Lot 9; thence run west along the south lines of Lots 1 thru 9, Block 3, Plat of Hopkins (Plat Book 2, Page 65) for a distance of 666 feet more or less to a point, said point being the southwest corner of the aforementioned Lot 1, Block 3, and said point also lying along the east right-of-way line of Lipscomb Street (R/W varies); thence continue west for a distance of 40 feet more or less to a point, said point lying along the west right-of-way of Lipscomb Street; thence run north along the west right-of-way of Lipscomb Street for a distance of 25 feet more or less to a point, said point lying along the west right-of-way line of Lipscomb Street and also being the southeast corner of the south ½ of Lot 6, Block 11, Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida; thence run west along the south lines of the south ½ of Lot 6, Lot 5, Lot 4 and the east nine feet of Lot 3, Block 11, for a distance of 164 feet more or less to a point, said point being the southwest corner of the east nine feet of Lot 3, Block 11, Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida; thence run north along the west line of the aforementioned east nine feet of Lot 3, Block 11, for a distance of 130 feet more or less to a point, said point lying along the south right-of-way of Line Street (R/W varies); thence continue north for a distance of 40 feet more or less to a point, said point being along the north right-of-way line of Line Street; thence run west along the north right-of-way of Line Street for a distance of 65 feet more or less to a point, said point being the intersection of the north right-of-way line of Line Street and the southwest corner of Lot 29, Metcalf's Unrecorded Plat of Wright Brother's Tract; thence run north along the west line of said Lot 29 for a distance of 140 feet more or less to a point, said point being the northwest corner of said Lot 29; thence run east along the north property lines of Lots 29 and 28 for a distance of 88.6 feet more or less to a point, said point being the northeast corner of said Lot 28; thence run north along the west property lines of Lots 4 and 6 – 24, Metcalf's Unrecorded Subdivision for a distance of 888 feet more or less to a point, said point being the intersection of the west line of Lot 4 and the southern bank of Crane Creek, also said point being the Point-of-Beginning. Containing 155.69 acres, more or less.

LESS AND EXCEPT the following properties:

- 1) Block 1, Lots 10-30, and Block 2, Lots 7-17, Riverview Estates, according to the plat thereof, as recorded in Plat Book 5, Page 31, Public Records of Brevard County, Florida;
- 2) Block 1, Lots 1-15, Block 4, Lots 1-14, and the parcel marked "Parkway," Vista Grande, according to the plat thereof, as recorded in Plat Book 4, Page 14, Public Records of Brevard County, Florida;
- 3) Lots 1-17, and the property depicted as part of the plat South of Lots 1-13 and Lot 16, Subdivision of Lot 9, Block H, according to the plat thereof, as recorded in Plat Book 3, Page 29, Public Records of Brevard County, Florida;
- 4) All of Block G-1, and Block D, Lot 1, Riverview Heights Subdivision, according to the plat thereof, as recorded in Plat Book 3, Page 31, Public Records of Brevard County, Florida;
- 5) All of Blocks A, D and G, Block B-3, Lots 1-5, Block E, Lots 1-7, Block F, Lots 1-7, and Block F-1, Lots 8-16, Riverview Heights Subdivision, according to the plat thereof, as recorded in Plat Book 3, Page 58, Public Records of Brevard County, Florida;

- 6) Block C, Plat of South Melbourne, according to the plat thereof, as recorded in Plat Book 1, Page 59, Public Records of Brevard County, Florida;
- 7) Block B-1, Lots 6-9, and Block B-2, Lots 7-10, Paul A. Geiger Addition to Riverview Heights Subdivision Blocks B1 and B2, according to the plat thereof, as recorded in Plat Book 5, Page 47, Public Records of Brevard County, Florida; and
- 8) All of the rights-of-way adjacent to the foregoing Lots as shown on each of the above-described plats.

NORTHERN EXPANSION:

Parts of Lot 3, Block 3, Wells Subdivision Map No. 5, according to the plat thereof, as recorded in Plat Book 7, Page 10, Public Records of Brevard County, Florida, including the lands described in Deed Book 407, Page 256 and Official Records Book 1086, Page 397 and 398, all in the Public Records of Brevard County, Florida, and including land adjoining Lot 3 as described in Deed Book 271, Page 361, but excluding lands described in Deed Book 330, Page 439 and Deed Book 407, Page 256 and Official Records Book 1086, Page 397 and 398 and Official Records Book 1100, Page 639, all in the Public Records of Brevard County, Florida.

SECTION 2. That pursuant to the provisions of Section 163.355, Florida Statutes, it is hereby found and declared that:

(a) The rehabilitation, conservation or redevelopment, or a combination thereof, of the area described in Section 1.(b) of this ordinance is necessary in the interest of public health, safety, morals, and welfare of the citizens of the City of Melbourne;

(b) That blighted areas exist within the area described in Section 1.(b) of this ordinance; and

(c) That area described in Section 1.(b) of this ordinance is appropriate to be included within, and is immediately and substantially contiguous to, the Downtown Community Redevelopment Agency boundaries pursuant to Chapter 163, Part III, Florida Statutes.

SECTION 3. That there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in Chapter 163, Part III, Florida Statutes in the area described in Section 1.(b) of this ordinance.

SECTION 4. That the City Council of the City of Melbourne, Florida, hereby declares that the areas described in Section 1.(b) of this ordinance:

(a) Shall be included within the boundaries of the Downtown Community Redevelopment Agency;

(b) Shall be subject to the jurisdiction of the existing governing body of the Downtown Community Redevelopment Agency; and

(c) Shall be subject to all provisions of Article IV., Chapter 10, City Code of Melbourne, Florida.

SECTION 5. Adoption of amendment to community redevelopment plan.

(a) The May 2006 amendment to the Downtown Community Redevelopment Plan attached hereto as Exhibit "A" be and the same is hereby adopted as an amendment to the official community redevelopment plan for the Downtown Community Redevelopment Agency.

(b) The City Council, after a public hearing, hereby determines that the proposed May 2006 amendment to the Downtown Community Redevelopment Plan for the Downtown Community Redevelopment Area depicted in Exhibit "A" attached hereto meets the following requirements of Section 163.360(6), Florida Statutes:

(1) The proposed plan does not contemplate the relocation of any families in that the implementation of the plan will not cause any families to be displaced from the Downtown Community Redevelopment Area;

(2) The proposed plan conforms to the general plan of the municipality as a whole;

(3) The proposed plan will afford the maximum opportunity consistent with the sound needs of the municipality as a whole for rehabilitation or redevelopment of the Downtown Community Redevelopment Area by private enterprise:

(4) The proposed plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general

vicinity of the site covered by the plan;

(5) The proposed plan addresses the necessity of additional non-residential properties within this area of the district; and

(6) The proposed plan contemplates the acquisition of properties to facilitate redevelopment due to the outmoded street patterns, deterioration of site, economic disuse, lack of correlation of the area with other areas of the city by streets and modern traffic requirements and factors which will retard the future development of the area.

SECTION 6. That the City Code of Melbourne, Florida, is hereby amended by adding a section, to be numbered 10-15, which said section reads as follows:

Sec. 10-15. Jurisdictional area of the Melbourne Downtown Community Redevelopment Agency.

The jurisdictional boundaries of the Melbourne Downtown Community Redevelopment Agency are as follows:

(1) DOWNTOWN AREA: All properties fronting on and/or located within the following described boundaries:

Begin at the intersection of the projection of the east R/W line of Franklin Street with the north R/W line of Strawbridge Avenue; then proceed easterly along the north R/W line of Strawbridge Avenue (SR 500) to the east R/W line of McQuaid Street; thence northerly on the east R/W line of McQuaid Street to the south R/W line of Palmetto Avenue; thence easterly along the south R/W line of Palmetto Avenue to Livingston Street; then continue easterly along the north R/W line of Palmetto Avenue to the east R/W line of Tangerine Street; thence north on the east R/W line of Tangerine Street to the south R/W line of Lincoln Avenue; thence east on the south R/W line of Lincoln Avenue to Harbor City Blvd. (U.S. Hwy. #1); thence northerly along the west R/W line of Harbor City Boulevard to the south R/W line of Silver Palm Avenue; thence easterly along the south R/W line of Silver Palm Avenue to the east R/W line of Riverview Drive; thence easterly along the projection of the south R/W line of Silver Palm Avenue to the west bank of the Indian River Lagoon; thence southerly along the west bank of the Indian River Lagoon to the north bank of the mouth of Crane Creek (also known as Stewart Point); thence westerly along the north bank of Crane Creek to the east boundary of Hallwood Place Subdivision, according to the plat, as recorded in Plat Book 2, Page 33, Public Records of Brevard County, Florida; thence northerly along said boundary line to the intersection with the south R/W line of New Haven Avenue; thence westerly along the south R/W line of New Haven Avenue to the east R/W of Franklin Street; thence northerly along the east R/W line of Franklin Street to the Point of Beginning, all as described in City of Melbourne Resolution No. 775.

(2) NORTHERN EXPANSION: Parts of Lot 3, Block 3, Wells Subdivision Map No. 5, according to the plat thereof, as recorded in Plat Book 7, Page 10, Public Records of Brevard County, Florida, including the lands described in Deed Book 407, Page 256 and Official Records

Book 1086, Page 397 and 398, all in the Public Records of Brevard County, Florida, and including land adjoining Lot 3 as described in Deed Book 271, Page 361, but excluding lands described in Deed Book 330, Page 439 and Deed Book 407, Page 256 and Official Records Book 1086, Page 397 and 398 and Official Records Book 1100, Page 639, all in the Public Records of Brevard County, Florida.

(3) SOUTHERN EXPANSION: A series of Parcels, Lots, and Rights-of-way located within Township 28 South, Range 37 East, Sections 2, 3, 10, and 11, Melbourne, Brevard County, Florida, being more particularly described as follows:

Commence and Begin at the intersection of the West line of Lot 4, Metcalf's Unrecorded Plat of Wright Brother's Tract, as recorded in Deed Book 70, Page 142, Public Records of Brevard County, Florida, and the southern bank of Crane Creek; thence run and meander east and north along the south bank of Crane Creek for a distance of 2,100 feet more or less to a point, said point being the intersection of the south bank of Crane Creek and the east line of Lot 14, Block 1, Crane Cliff Subdivision as recorded in Plat Book 2, Page 32, Public Records of Brevard County, Florida; thence continue and meander south and east along the west bank of the Indian River Lagoon for a distance of 7,100 feet more or less to a point, said point being the intersection of the west bank of the Indian River Lagoon and the south line of lands described in Official Records Book 3991, Page 2192, Public Records of Brevard County, Florida; thence run west along the south line of said lands described in Official Records Book 3991, Page 2192 for a distance of 220 feet more or less to a point, said point lying along the east right-of-way line of Riverview Drive (R/W varies); thence run northwesterly along the east line of Riverview Drive for a distance of 20 feet more or less to a point, said point being the easterly projection of the south right-of-way of University Boulevard (R/W varies); thence run west along the south right-of-way of University Boulevard for a distance of 1,480 feet more or less to a point, said point being the intersection of the westerly extension of the south right-of-way line of University Boulevard and the east right-of-way line of the Florida East Coast Railroad (FECRR - R/W varies); thence run northwesterly along the east right-of-way line of the FECRR for a distance of 2,900 feet more or less to a point, said point being the intersection of the east right-of-way line of the FECRR and the easterly extension of the south property line of lands described as the south 108 feet of the north 150 feet of Lot 10, Block 3, Hopkins Plat as described in Official Records Book 2, Page 65, Public Records of Brevard County, Florida; thence run west along said easterly extension for a distance of 200 feet more or less to a point, said point being the southwest corner of the aforementioned Lot 10, Block 3; thence run southeasterly along the east line of lands described as a parcel 315 feet by 70 feet by 310 feet lying east of Lot 9, Block 3, Plat of Hopkins (Plat Book 2, Page 65), Public Records of Brevard County, Florida, for a distance of 210 feet more or less to a point, said point being the southeast corner of the aforementioned parcel; thence run west along the south line of said parcel for a distance of 70 feet more or less to a point, said point being the southwest corner of the aforementioned parcel; thence run north along the west line of said parcel for a distance of 200 feet more or less to a point, said point being the intersection of the west line of the aforementioned parcel and the southeast corner of lands described as the north 145 feet of the east ½ of Lot 9, Block 3, except road right-of-way, of Hopkins Plat (Plat Book 2, Page 65); thence run west along the south line of the aforementioned east ½ of Lot 9, Block 3 to a point, said point being the southwest corner of the said east ½ of Lot 9, Block 3; thence run south along the east line of lands described as the west ½ of Lot 9 as described in Deed Book 327, Page 254, Block 3 (except Deed Book 377, Page 117 and road R/W) Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida, for a distance of 35 feet more or less to a point, said point being the southeast corner of the aforementioned west ½ of Lot 9; thence run west along the south lines of Lots 1 thru 9,

Block 3, Plat of Hopkins (Plat Book 2, Page 65) for a distance of 666 feet more or less to a point, said point being the southwest corner of the aforementioned Lot 1, Block 3, and said point also lying along the east right-of-way line of Lipscomb Street (R/W varies); thence continue west for a distance of 40 feet more or less to a point, said point lying along the west right-of-way of Lipscomb Street; thence run north along the west right-of-way of Lipscomb Street for a distance of 25 feet more or less to a point, said point lying along the west right-of-way line of Lipscomb Street and also being the southeast corner of the south ½ of Lot 6, Block 11, Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida; thence run west along the south lines of the south ½ of Lot 6, Lot 5, Lot 4 and the east nine feet of Lot 3, Block 11, for a distance of 164 feet more or less to a point, said point being the southwest corner of the east nine feet of Lot 3, Block 11, Hopkins Plat as recorded in Plat Book 2, Page 65, Public Records of Brevard County, Florida; thence run north along the west line of the aforementioned east nine feet of Lot 3, Block 11, for a distance of 130 feet more or less to a point, said point lying along the south right-of-way of Line Street (R/W varies); thence continue north for a distance of 40 feet more or less to a point, said point being along the north right-of-way line of Line Street; thence run west along the north right-of-way of Line Street for a distance of 65 feet more or less to a point, said point being the intersection of the north right-of-way line of Line Street and the southwest corner of Lot 29, Metcalf's Unrecorded Plat of Wright Brother's Tract; thence run north along the west line of said Lot 29 for a distance of 140 feet more or less to a point, said point being the northwest corner of said Lot 29; thence run east along the north property lines of Lots 29 and 28 for a distance of 88.6 feet more or less to a point, said point being the northeast corner of said Lot 28; thence run north along the west property lines of Lots 4 and 6 – 24, Metcalf's Unrecorded Subdivision for a distance of 888 feet more or less to a point, said point being the intersection of the west line of Lot 4 and the southern bank of Crane Creek, also said point being the Point-of-Beginning. Containing 155.69 acres, more or less.

LESS AND EXCEPT the following properties:

- 1) Block 1, Lots 10-30, and Block 2, Lots 7-17, Riverview Estates, according to the plat thereof, as recorded in Plat Book 5, Page 31, Public Records of Brevard County, Florida;
- 2) Block 1, Lots 1-15, Block 4, Lots 1-14, and the parcel marked "Parkway," Vista Grande, according to the plat thereof, as recorded in Plat Book 4, Page 14, Public Records of Brevard County, Florida;
- 3) Lots 1-17, and the property depicted as part of the plat South of Lots 1-13 and Lot 16, Subdivision of Lot 9, Block H, according to the plat thereof, as recorded in Plat Book 3, Page 29, Public Records of Brevard County, Florida;
- 4) All of Block G-1, and Block D, Lot 1, Riverview Heights Subdivision, according to the plat thereof, as recorded in Plat Book 3, Page 31, Public Records of Brevard County, Florida;
- 5) All of Blocks A, D and G, Block B-3, Lots 1-5, Block E, Lots 1-7, Block F, Lots 1-7, and Block F-1, Lots 8-16, Riverview Heights Subdivision, according to the plat thereof, as recorded in Plat Book 3, Page 58, Public Records of Brevard County, Florida;
- 6) Block C, Plat of South Melbourne, according to the plat thereof, as recorded in Plat Book 1, Page 59, Public Records of Brevard County, Florida;

7) Block B-1, Lots 6-9, and Block B-2, Lots 7-10, Paul A. Geiger Addition to Riverview Heights Subdivision Blocks B1 and B2, according to the plat thereof, as recorded in Plat Book 5, Page 47, Public Records of Brevard County, Florida; and

8) All of the rights-of-way adjacent to the foregoing Lots as shown on each of the above-described plats.

SECTION 7. That Section 10-19 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-19. Redevelopment trust fund.

(a) *Establishment of trust fund.* There is hereby created the City of Melbourne Community Redevelopment Trust Fund pursuant to the provisions of F.S. section 163.387 for the purpose of accepting and disbursing fees, appropriations, gifts, grants, and awards of moneys made to the city, for the purpose of funding redevelopment projects as contemplated by the Community Redevelopment Act of 1969 as amended.

(b) *Term of existence.* The City of Melbourne Community Redevelopment Trust Fund shall be self-perpetuating and sustaining from year to year, unless specifically terminated by the council; provided, however, that the Downtown and the Northern Expansion Areas of the Downtown Melbourne community redevelopment district as described in section 10-15(1) and (2) of this code, shall terminate as a part of the Downtown Melbourne community redevelopment district at 11:59 p.m. on December 31, 2022, and the Southern Expansion Area portion of the Downtown Melbourne community redevelopment district, and the Downtown Melbourne community redevelopment agency, shall terminate at 11:59 p.m. on December 31, 2031.

(c) *Trust assets.* All trust assets shall be allocated, extended, utilized and disbursed in accordance with the Community Redevelopment Act of 1969, as amended, as Part III of Chapter 163 F.S. section 163.330 et seq., the act being hereby specifically incorporated by reference.

(d) *Trust funding.* Upon the enactment of this section, each taxing authority operating within the community redevelopment project area as designated by the council with the exception of school districts, shall annually appropriate to the trust fund herein created a sum, which is no less than the annual increment of *ad valorem* tax revenues accruing to the taxing authority. The annual tax increment shall be the difference between:

- (1) The amount of *ad valorem* taxes levied each year by each all taxing authority authorities except school districts and other governmental agencies as described in s. 163.387(2)(c), Florida Statutes, and exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the community redevelopment project area; and
- (2) The amount of *ad valorem* taxes which would have been produced by the rate upon which the tax is levied each year by or for each all taxing authority authorities except school districts and other governmental agencies as described in s. 163.387(2)(c), Florida Statutes, and exclusive of any amount from any debt service millage, upon the total of the assessed value of the taxable property in the

community redevelopment project area involved as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance approving the community redevelopment plan, or its expansion area as applicable, which governs the project involved.

(e) *Disbursal of assets.*

- (1) No funds shall be disbursed from the City of Melbourne Community Redevelopment Trust Fund unless approved by the council. The funds of the City of Melbourne Community Redevelopment Trust Fund shall be utilized in accordance with the provisions of the Community Redevelopment Act of 1969 as amended and embodied in Part III of Chapter 163, F.S., section 163.330 *et seq.*, and in accordance with community redevelopment plans as approved by the council.
- (2) At such time that the Downtown Area of the Downtown Melbourne community redevelopment district as described in section 10-15(1) of this code reaches an assessed valuation, as determined by the Brevard County Property Appraiser, of 10 times its original base year valuation, fifty percent (50%) of the revenue for a year produced by the assessed valuation exceeding that threshold will be returned to the taxing authorities contributing said funds.
- (3) At such time that the Northern Expansion Area of the Downtown Melbourne community redevelopment district as described in section 10-15(2) of this code reaches an assessed valuation, as determined by the Brevard County Property Appraiser, of 10 times its original base year valuation, fifty percent (50%) of the revenue for a year produced by the assessed valuation exceeding that threshold will be returned to the taxing authorities contributing said funds.
- (4) At such time that the Southern Expansion Area of the Downtown Melbourne community redevelopment district as described in section 10-15(3) of this code reaches an assessed valuation, as determined by the Brevard County Property Appraiser, of 10 times its original base year valuation, fifty percent (50%) of the revenue for a year produced by the assessed valuation exceeding that threshold will be returned to the taxing authorities contributing said funds.

SECTION 8. That Section 10-101 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-101. Downtown redevelopment plan, generally.

* * * *

(b) *Adoption.* The Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area consists of the document entitled Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area, adopted by Ordinance No. 82-58 on December 28, 1982, together with amendments entitled

* * * *

(5) “May 2006 Amendment to Community Redevelopment Plan,” adopted by Ordinance No. 2006-23, adopted on May 23, 2006. The amendment is altered as follows:

(A) On page 22 under the category HARBOR AREA at the end of the section add a new requirement as follows: “* The boat ramp/parking facilities at Front Street shall not be removed or permanently closed until an alternate site is constructed and operational.”

(B) On page 36 lists projects. Under the section listed as HISTORIC RETAIL HUB, add a project description as follows: “Public Bathrooms”, with cost “to be determined” and source “TIF, City”.

(C) On page 40 under the section DURATION OF PLAN is amended to read: The provisions of this plan shall remain in effect, and serve as a guide for the future redevelopment activities in the entire designated DOWNTOWN MELBOURNE Community Redevelopment Area through 2022 in the Downtown and Northern Expansion Areas and through 2031 in the Southern Expansion Area, as said areas are described in the City Code.

The jurisdictional boundaries of the Downtown Redevelopment Area are contained within Section 10-15, Melbourne City Code.

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SECTION 9. Severability/Interpretation Clause.

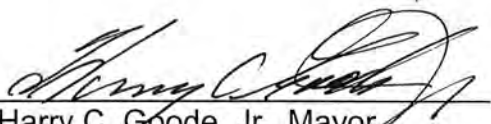
(a) That in the event that any term, provision, clause, sentence or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this ordinance, (b), underlined words indicate additions to existing text. Asterisks (* * * *) indicate a deletion from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

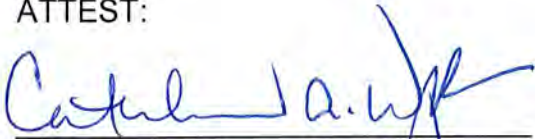
SECTION 10. Ordinances and Resolutions in Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 11. Effective Date. That this ordinance shall become effective immediately upon its adoption in accordance with the City Charter of the City of Melbourne.

SECTION 12. Adoption Schedule. That this ordinance was passed on the first reading at a regular meeting of the City Council on the 9th day of May, 2006, and adopted on the second/final reading at a regular meeting of the City Council on the 23rd day of May, 2006.

BY: 
Harry C. Goode, Jr., Mayor

ATTEST:


Cathleen A. Wysor, City Clerk

Ordinance No. 2006-23

Attachment: "Exhibit A" – May 2006 amendment to the Downtown Community Redevelopment Plan, "Returning the Harbor to Harbor City"