

ORDINANCE NO. 2002-28

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE BABCOCK STREET COMMUNITY REDEVELOPMENT AREA; MAKING FINDINGS; PROVIDING FOR JURISDICTIONAL FINDINGS, AREA AFFECTED, FINDINGS OF BLIGHT AND NECESSITY; PROVIDING FOR THE PROVISIONS OF ARTICLE VII, CHAPTER 10 TO BE EFFECTIVE WITHIN AN EXPANDED AREA OF THE CITY; AMENDING THE BABCOCK STREET COMMUNITY REDEVELOPMENT PLAN; AMENDING SECTION 10-151, CITY CODE, WITH REGARD TO THE EXPANDED BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 10-153, CITY CODE, PROVIDING A LEGAL DESCRIPTION OF THE ADDITIONAL AREA TO BE INCLUDED WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 10-161, CITY CODE, TO INCLUDE THE MARCH 2002 AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN; 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 163.410, Florida Statutes, on September 9, 1997, the Board of County Commissioners of Brevard County, Florida, adopted Brevard County Resolution No. 97-187, delegating authority to the City Council of the City of Melbourne to create and operate a Chapter 163, Florida Statutes, Community Redevelopment Agency generally known as the Babcock Street Community Redevelopment Agency within the area described in Section 10-153, City Code; and

WHEREAS, pursuant to Section 163.361, Florida Statutes, and Sections 1.b., f., g., and j. of the aforesaid Resolution No. 97-187, the boundaries of the Babcock Street Community Redevelopment Agency may be adjusted; and

WHEREAS, Resolution No. 1734 was approved by the Melbourne City Council on January 3, 2002, including findings of necessity for the expansion of the district; and

WHEREAS, the Melbourne City Council approved the Babcock Street Community Redevelopment Plan (the redevelopment plan) by Ordinance No. 98-23 on June 23, 1998; and

WHEREAS, the redevelopment plan amendment will expand the boundaries of the

district and include new transportation projects in the expansion areas; 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. 1734 and declared to be a "blighted area," as defined and within the purpose and intent of Chapter 163, Part III, Florida Statutes.

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

(1) Airport Area: In Township 27 South, Range 37 East, Section 33, beginning at the intersection of Eddie Allen Road and Airport Boulevard; thence run northwesterly along the centerline of Eddie Allen Road to the intersection of Sleepy Hollow Road; thence easterly and northerly along the centerline of Sleepy Hollow Road to the intersection of Salem Road; thence run directly to the intersection of Rally Road and Overlander Street; thence run northerly along the west side of Rally Road to an intersection with the westerly extension of the centerline of Hitch Road, thence run northerly to the intersection of Ted Huff Road and Harvey Ogden Road; thence westerly along the south side of Harvey Ogden Road to a point which is 295 feet west of the centerline of Eddie Allen Road; thence southerly, parallel with Eddie Allen Road, to the centerline of Playhouse Road; thence westerly along the centerline of Playhouse Road to the intersection of Harry Sutton Road; thence northerly and easterly along the centerline of Harry Sutton Road to its intersection with Air Terminal Parkway; thence northeasterly and southeasterly along the centerline of Air Terminal Parkway to a point which is 650 feet northerly, as measured along the extended centerline of Air Terminal Parkway, from the centerline of NASA Blvd.; thence northeasterly, on a line perpendicular to Air Terminal Parkway, a distance of 210 ft.; thence southeasterly, perpendicular to the previous course, a distance of 300 feet; thence northeasterly, perpendicular to the previous course, a distance of 300 ft., more or less, to the centerline of Ed Foster Road; thence southeasterly, along the centerline of Ed Foster Road, to the centerline of Airport Blvd.; thence southerly along Airport Blvd. to the Point of Beginning.

(2) Ballard Drive area: The area subject to this ordinance is described as lying and situate in the State of Florida, County of Brevard, in Township 27 South, Range 37 East, Section 21, to-wit:

Brevard County Property Appraiser's Tax Map Parcel 765 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 381, Page 338, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 766 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 233, Page 566, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 766.1 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 767, Page 847, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 767 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 204, Page 383, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 768 being part of SE ¼ known as unnumbered lot East of Lots 2 and 30, Block 2, Loveridge Heights, 2nd Addition, as amended, according to the plat thereof, as recorded in Plat Book 10, Page 57, Public Records of Brevard County, Florida, excluding property described in Deed Book 373, Page 463, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 770 being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 373, Page 463, Public Records of Brevard County, Florida, excluding the property described in Official Records Book 249, Page 52, Public Records of Brevard County, Florida; and

Lot 1, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 920, Page 418, Public Records of Brevard County, Florida; and

Lot 1, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Page 201 and 203, Public Records of Brevard County, Florida, also known as part of Lot 23 and all of Lots 24 to 29 of Botts Unrecorded Subdivision, being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21; and

Lot 5, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of lots 24 to 29 of Botts Unrecorded Subdivision Lots 5,6; and

Lot 7, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of lots 24 to 29 of Botts Unrecorded Subdivision Lots 7; and

Lot 8, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lots 8,9; and

Lot 2, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 424, Page 251, Public Records of Brevard County, Florida; and

Lot 13, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lots 13,14,15,16 & part of Lot 17 as described in Official Records Book 2740, Page 2649, Public Records of Brevard County, Florida; and

Lot 19, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 423, Page 534, Public Records of Brevard County, Florida, and Official Records Book 2365, Page 2067, Public Records of Brevard County, Florida; and

Lot 17, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 17, excluding the property described in Official Records Book 2740, Page 2649, Public Records of Brevard County, Florida; and

Lot 10, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 10; and

Lot 11, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 11; and

Lot 12, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 12; and

Lot 3, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Sections 21 and 22, as described in Official Records Book 119, Page 143, Public Records of Brevard County, Florida, excluding property described in Official Records Book 2365, Page 2067, Public Records of Brevard County, Florida; and

Lot 22, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East,

Section 21, as described in Official Records Book 431, Page 562, Public Records of Brevard County, Florida; and

Lot 15, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 161, Page 550, and Official Records Book 82, Page 63, Public Records of Brevard County, Florida, excluding the right-of-way being a part of Botts Unrecorded Subdivision Parcel 8; and

Lot 13, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 90, Page 443, Public Records of Brevard County, Florida; and

The following described area lying and situate in the State of Florida, County of Brevard, in

Township 27 South, Range 37 East, Section 27, to-wit:

Brevard County Property Appraiser's Tax Map Parcel 250 described as being the North 141.5 feet of Government Lot 1 as described in Deed Book 328, Page 387, Public Records of Brevard County, Florida, excluding the right-of-way described in Official Records Book 1632, Page 221, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 251.1 described as being the South 108.5 feet of the North 250 feet of Government Lot 1 lying west of US Hwy 1, excluding the West 300 feet, and excluding Hwy right-of-way; and

Brevard County Property Appraiser's Tax Map Parcel 254 described as being a part of North 464 feet of Government Lot 1 west of US Hwy 1, East 29.9 feet of Lot 4 & all Lots 5, 6, 7 Block H, Annie Laurie Gardens Subdivision, according to the subdivision thereof, as described in Plat Book 3, Page 94, Public Records of Brevard County, Florida, as described in Official Records Book 3074, Page 587, Public Records of Brevard County, Florida; and

Lot 8-12, 13, 24-27, and the North 25 feet of Lot 14, Block H, Annie Laurie Gardens Subdivision, according to the subdivision thereof, as described in Plat Book 3, Page 94, Public Records of Brevard County, Florida.

All of the foregoing property is also described by the following Brevard County Property Appraiser's Tax identification parcel numbers: 27-37-33-00-00250.1-0000.0; 27-37-33-00-00250.B-0000.0; 27-37-33-00-00250.D-0000.0; 27-37-33-00-00250.E-0000.0; 27-37-33-00-00250.C-0000.0; 27-37-33-00-00250.F-0000.0; 27-37-33-00-00001.G-0000.0; 27-37-33-00-00250.G-0000.0; 27-37-33-00-00250.H-0000.0; 27-37-27-00-00250.0-0000.0; 27-37-27-00-00251.1-0000.0; 27-37-27-25H-00000.0-0009.0; 27-37-27-25H-00000.0-0008.0; 27-37-27-25H-00000.0-0011.0; 27-37-27-25H-00000.0-0013.0; 27-37-27-00-00254-0000.0; 27-37-21-00-00765-0000.0; 27-37-21-EL-00000.0-0001.0; 27-37-21-EL-00000.0-0002.0; 27-37-21-EL-00000.0-0003.0; 27-37-21-EL-00000.0-0015.0; 27-37-21-EL-00000.0-0022.0; 27-37-21-EL-00000.0-0019.0; 27-37-22-EL-00000.0-0013.0; 27-37-21-00-00766-0000.0; 27-37-21-00-00767-0000.0; 27-37-21-00-00768-0000.0; 27-37-21-00-00769-0000.0; 27-37-21-00-00770-0000.0; 27-

37-21-78-00000.0-0001.0; 27-37-21-78-00000.0-0013.0; 27-37-21-78-00000.0-0005.0; 27-37-21-78-00000.0-0017.0; 27-37-21-78-00000.0-0007.0; 27-37-21-78-00000.0-0008.0; 27-37-21-78-00000.0-0010.0; 27-37-21-78-00000.0-0011.0; 27-37-21-78-00000.0-0012.0.

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 Babcock Street 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.

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 Babcock Street Community Redevelopment Agency;

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

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

SECTION 5. Adoption of amendment to community redevelopment plan.

(a) The March 2002 amendment to the Babcock Street 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 Babcock Street Community Redevelopment Agency.

(b) The City Council, after a public hearing, hereby determines that the proposed March 2002 amendment to the Babcock Street Community Redevelopment Plan for the Babcock Street 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 Babcock Street 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 Babcock Street Community Redevelopment Area by private enterprise; and

(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.

SECTION 6. That section 10-151 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-151. Babcock Street community redevelopment agency created.

By virtue of City of Melbourne Resolution No. 1529, adopted on December 2, 1997, the Babcock Street Community Redevelopment Agency, was created within the city. The Ballard

Drive and airport areas became a part of the community redevelopment area effective April 23, 2002, by virtue of the adoption of Resolution No. 1734 adopted January 3, 2002 making a finding of blighted conditions, and Ordinance No. 2002-28. Pursuant to sections 163.356(1) and 163.357(1)(b), Florida Statutes (1997), while the city council sits as the governing body of the community redevelopment agency, the community redevelopment agency is constituted as a public body, corporate and politic, and as a legal entity, separate, distinct, and independent from the city council.

SECTION 7. That section 10-153 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-153. Jurisdictional area of the Babcock Street community redevelopment agency.

The jurisdictional boundaries of the Babcock Street Community Redevelopment Agency are lying wholly within the City of Melbourne as follows:

(1) Core Area: The Babcock Street Community Redevelopment Area is described as the frontage parcels from Laurie Street southward to Apollo Boulevard. The area then widens to include all parcels east of Airport Boulevard and west of Apollo Boulevard southward to Sheridan Road. The area continues to follow along the eastern edge of Airport Boulevard and narrows to only include the frontage parcel on the east side of Babcock Street to Hibiscus Boulevard. The area moves eastward along Hibiscus Boulevard, including all parcels along the south side of the roadway to the Melbourne Auditorium. The area then continues southward on Babcock Street to include all frontage parcels, including all of the Fee Avenue Park property, ending at U.S. 192.

(2) Ballard Drive area: The following described area lying and situate in the State of Florida, County of Brevard, in Township 27 South, Range 37 East, Section 21, to-wit:

Brevard County Property Appraiser's Tax Map Parcel 765 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 381, Page 338, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 766 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 233, Page 566, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 766.1 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 767, Page 847, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 767 being part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 204, Page 383, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 768 being part of SE ¼ known as unnumbered lot East of Lots 2 and 30, Block 2, Loveridge Heights, 2nd Addition, as amended, according to the plat thereof, as recorded in Plat Book 10, Page 57, Public Records of Brevard County, Florida, excluding property described in Deed Book 373, Page 463, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 770 being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 373, Page 463, Public Records of Brevard County, Florida, excluding the property described in Official Records Book 249, Page 52, Public Records of Brevard County, Florida; and

Lot 1, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 920, Page 418, Public Records of Brevard County, Florida; and

Lot 1, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Page 201 and 203, Public Records of Brevard County, Florida, also known as part of Lot 23 and all of Lots 24 to 29 of Botts Unrecorded Subdivision, being a part of SE ¼ of SE ¼ in Township 27 South, Range 37 East, Section 21; and

Lot 5, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of lots 24 to 29 of Botts Unrecorded Subdivision Lots 5,6; and

Lot 7, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of lots 24 to 29 of Botts Unrecorded Subdivision Lots 7; and

Lot 8, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lots 8,9; and

Lot 2, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 424, Page 251, Public Records of Brevard County, Florida; and

Lot 13, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lots 13,14,15,16 & part of Lot 17 as described in Official Records Book 2740, Page 2649, Public Records of Brevard County, Florida; and

Lot 19, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Deed Book 423, Page 534, Public Records of Brevard County, Florida, and Official Records Book 2365, Page 2067, Public Records of Brevard County, Florida; and

Lot 17, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 17, excluding the property described in Official Records Book 2740, Page 2649, Public Records of Brevard County, Florida; and

Lot 10, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 10; and

Lot 11, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 11; and

Lot 12, according to an unrecorded survey made by W.B. Heath, Registered Land Surveyor No. 497, under date of January 29, 1957, as described in Book 395, Pages 201 and 203, Public Records of Brevard County, Florida, known as part of Lot 23 & all of Lots 24 to 29 of Botts Unrecorded Subdivision Lot 12; and

Lot 3, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Sections 21 and 22, as described in Official Records Book 119, Page 143, Public Records of Brevard County, Florida, excluding property described in Official Records Book 2365, Page 2067, Public Records of Brevard County, Florida; and

Lot 22, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497,

under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 431, Page 562, Public Records of Brevard County, Florida; and

Lot 15, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 161, Page 550, and Official Records Book 82, Page 63, Public Records of Brevard County, Florida, excluding the right-of-way being a part of Botts Unrecorded Subdivision Parcel 8; and

Lot 13, according to the unrecorded plat of Botts Subdivision, Eau Gallie, Brevard County, Florida, which unrecorded plat was made by W.B. Heath, Registered Land Surveyor No. 497, under date of November 10, 1952, being a part of SE ¼ in Township 27 South, Range 37 East, Section 21, as described in Official Records Book 90, Page 443, Public Records of Brevard County, Florida; and

The following described area lying and situate in the State of Florida, County of Brevard, in Township 27 South, Range 37 East, Section 27, to-wit:

Brevard County Property Appraiser's Tax Map Parcel 250 described as being the North 141.5 feet of Government Lot 1 as described in Deed Book 328, Page 387, Public Records of Brevard County, Florida, excluding the right-of-way described in Official Records Book 1632, Page 221, Public Records of Brevard County, Florida; and

Brevard County Property Appraiser's Tax Map Parcel 251.1 described as being the South 108.5 feet of the North 250 feet of Government Lot 1 lying west of US Hwy 1, excluding the West 300 feet, and excluding Hwy right-of-way; and

Brevard County Property Appraiser's Tax Map Parcel 254 described as being a part of North 464 feet of Government Lot 1 west of US Hwy 1, East 29.9 feet of Lot 4 & all Lots 5, 6, 7 Block H, Annie Laurie Gardens Subdivision, according to the subdivision thereof, as described in Plat Book 3, Page 94, Public Records of Brevard County, Florida, as described in Official Records Book 3074, Page 587, Public Records of Brevard County, Florida; and

Lot 8-12, 13, 24-27, and the North 25 feet of Lot 14, Block H, Annie Laurie Gardens Subdivision, according to the subdivision thereof, as described in Plat Book 3, Page 94, Public Records of Brevard County, Florida.

This area became a part of the community redevelopment area effective April 23, 2002.

(3) *Airport area:* In Township 27 South, Range 37 East, Section 33, beginning at the intersection of Eddie Allen Road and Airport Boulevard; thence run northwesterly along the centerline of Eddie Allen Road to the intersection of Sleepy Hollow Road; thence easterly and northerly along the centerline of Sleepy Hollow Road to the intersection of Salem Road; thence

run directly to the intersection of Rally Road and Overlander Street; thence run northerly along the west side of Rally Road to an intersection with the westerly extension of the centerline of Hitch Road, thence run northerly to the intersection of Ted Huff Road and Harvey Ogden Road; thence westerly along the south side of Harvey Ogden Road to a point which is 295 feet west of the centerline of Eddie Allen Road; thence southerly, parallel with Eddie Allen Road, to the centerline of Playhouse Road; thence westerly along the centerline of Playhouse Road to the intersection of Harry Sutton Road; thence northerly and easterly along the centerline of Harry Sutton Road to its intersection with Air Terminal Parkway; thence northeasterly and southeasterly along the centerline of Air Terminal Parkway to a point which is 650 feet northerly, as measured along the extended centerline of Air Terminal Parkway, from the centerline of Nasa Blvd.; thence northeasterly, on a line perpendicular to Air Terminal Parkway, a distance of 210 ft.; thence southeasterly, perpendicular to the previous course, a distance of 300 feet; thence northeasterly, perpendicular to the previous course, a distance of 300 ft., more or less, to the centerline of Ed Foster Road; thence southeasterly, along the centerline of Ed Foster Road, to the centerline of Airport Blvd.; thence southerly along Airport Blvd. to the Point of Beginning.
This area became a part of the community redevelopment area effective April 23, 2002.

SECTION 8. That section 10-161 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-161. Community redevelopment plan approved.

The Babcock Street Community Redevelopment Plan adopted by Ordinance No. 98-23, as amended by Ordinance No. 2002-28, shall constitute the community redevelopment plan for the Babcock Street Community Redevelopment Agency.

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

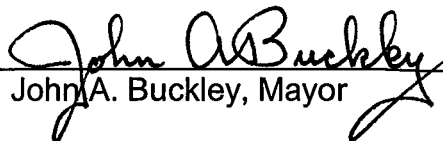
unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text.

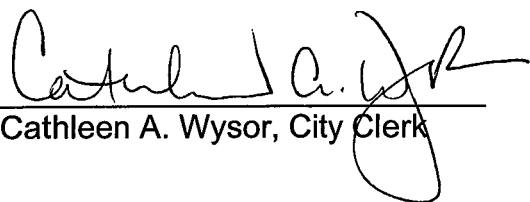
SECTION 10. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 11. Effective Date. This ordinance shall become effective 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 April, 2002, and adopted on the second/final reading at a regular meeting of the City Council on the 23rd day of April, 2002.

BY: 
John A. Buckley, Mayor

ATTEST:


Cathleen A. Wysor, City Clerk

Ordinance No. 2002-28

Attachment: "Exhibit A" - March 2002 amendment to the Babcock Street Community Redevelopment Plan

EXHIBIT "A"
ORDINANCE NO. 2002-28

**AMENDMENT TO THE BABCOCK STREET
COMMUNITY REDEVELOPMENT PLAN
MARCH, 2002**

INTRODUCTION:

The Babcock Street Community Redevelopment District was established in 1997 by the Melbourne City Council and has been very successful during the past year. This success has enabled the district to move forward with projects that normally would have taken several more years to come to fruition. In hindsight, it has occurred to the community redevelopment advisory committee that two major transportation links should have been included in the original boundaries to facilitate transportation improvements that are necessary for a true resolution to the problems. In addition, redevelopment will be hindered in the expansion areas if not included within the existing redevelopment boundaries.

The Community Redevelopment Act, Florida Statutes 163.361, allows for the modification of the community redevelopment plan, including a modification to the boundary of the district. Findings were made in the "blight study" that was completed in December, 2001 and approved by Resolution #1734 by City Council. Those findings are summarized again below.

Defective/Inadequate Street Layout & Inadequate Transportation and Parking Facilities

The main impetus for changing the boundary of the current redevelopment district is the defective street layouts that have impeded redevelopment on both the north expansion area and the west expansion area.

The northern area has had to contend with Babcock Street ending at Laurie Street for a very long time. Access to a major arterial, US 1, is hampered by the need to complete two 90 degree turns and deal with numerous driveway access points. The redevelopment plan indicated the need to proceed with the realignment of Babcock Street and the property from Laurie Street to US 1 is imperative to completing this realignment. Realignment of this roadway to US 1 will assist in lessening traffic off of local streets in the area that currently have cut-through traffic. Parking facilities are also inadequate in this area and will benefit from the realignment which will attempt to create on-street parking on local streets.

The western expansion area has also dealt with a faulty street layout for a number of years with the extreme curvature of NASA Boulevard, west of Airport Boulevard. The development/redevelopment of this area has been slow to occur, primarily due to access to these available properties. However, development to the west of this area has occurred over the last several years where the alignment of the roadway is not an issue. Further development of this area will also necessitate the realignment of this roadway. NASA Boulevard is a major, east-west arterial that provides access from US 1 to Wickham Road and in the future, possibly I-95. It is also the main arterial to the Melbourne International Airport. The traffic volume on this roadway will continue to increase and the realignment is imperative to accommodating the future volumes.

Faulty Lot Layout – Size, Accessibility, Usefulness/Diversity of Ownership

The division of land in the northern expansion area created odd-shaped lots, some of which are very small, that were originally developed with small buildings that today are not accommodating to the typical needs of businesses. In many cases, these lots are non-conforming and in almost all cases the buildings and parking lots are non-conforming. Access to these lots is difficult with the current roadway configuration and parking for these buildings is inadequate due to the size and shape of the lots. There are also multiple owners of many of these lots and large portions of the parking lots are located within the right-of-way of Ballard Drive.

Access to properties within the western expansion area is hindered by the curvature of the roadway. Development to the west of this area has begun in the last several years and the continued growth of the area will be difficult to handle with the current alignment of the roadway. The division of the current Port-a-Call site is also not conducive to redevelopment in its existing configuration and is a non-conforming use within the current zoning district.

Deterioration of Site or Other Improvements

The northern expansion area consists primarily of pre-1960 buildings that have not been changed significantly since their original construction and a number of them are vacant. Assessed property values have historically been stagnant in this area while most of the city has increased in value by 25% since 1990. The properties contained in this expansion area have only gained 0.1% in assessed property valuation since 1996 in comparison. This is the most obvious condition of blight that has deterred reinvestment into this area for a number of years.

The western expansion area has been less developed over the years but the main development of Port-a-Call has been in existence for a number of years and individual units have begun to deteriorate over the years. The lease for this property will expire in several years and leave an odd lot and street layout that will not be usable for future business development. Several other buildings located on airport property were built in the early 1970's and have not been improved over the years. Assessed property values within this expansion area have only grown by 3.9% over a five year period, again while the rest of the city's assessed property valuation increased by 25% since 1990.

DISTRICT BOUNDARY MODIFICATION/MAP:

The boundaries of the district will be modified on the northern and western edges of the district to include approximately 60 additional acres of property. The map shown in Appendix A shows the new district boundaries but the expansion areas are depicted separately because they will have a base year of 2001 for the calculation of the tax increment. Legal descriptions for the expansion properties are listed in Appendix B.

The 2001 assessed property value of the expansion area is \$11,194,380. Tax increment revenues will be based upon any increase in the future assessed value of these properties. The current district has seen an increase in assessed property values of 27% over the last three years. This would estimate an additional annual revenue of \$25,388 from the expansion districts after three years.

PROJECT ADDITIONS:

Babcock Street Realignment Phase 1
(Alma Drive to Laurie Street)

840 lf \$ 482,350

The project will include sidewalks and a landscaped median. A large, landscaped retention area will provide drainage for the new portion of the roadway and alleviate existing flooding problems in the area. Funding will come from Transportation Impact Fee revenues.

Babcock Street Realignment Phase 2
(Laurie Street to US 1)

450 lf \$ 254,600

The project will include sidewalks and a landscaped median and complete the transition from the Phase 1, four-lane roadway to US 1. It is recommended that funding be utilized from Transportation Impact Fee revenues or other sources.

NASA Boulevard Realignment
(Airport Boulevard to Harry Sutton)

2300 lf \$1,320,000

The project will include sidewalks and a landscaped median. Retention for the realignment will be completed within the project scope. Funding will need to be identified from Transportation Impact Fee revenues or state funds in cooperation with the Melbourne Airport Authority.

CONCLUSION:

The expansion of the district and the related roadway improvements will offer the opportunity for revitalization in the expansion area and continue the revitalization of the original district. Additional tax increment revenues will be available from these expansion areas to further assist with the redevelopment efforts of the entire Babcock Street Community Redevelopment District.