

Resolution No. 2004-05-350

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LYNN HAVEN, FLORIDA RELATING TO COMMUNITY REDEVELOPMENT; DEFINING, CONFIRMING, AND RATIFYING THE LYNN HAVEN COMMUNITY REDEVELOPMENT AREA; FINDING THE EXISTENCE OF CONDITIONS IN THE AREA THAT WARRANT THE CREATION OF A REDEVELOPMENT DISTRICT IN ACCORDANCE WITH CRITERIA SET FORTH IN CHAPTER 163, FLORIDA STATUTES; MAKING CERTAIN FINDINGS AND DETERMINATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 11, 2002, the Lynn Haven City Commission (the "Commission") authorized the West Florida Regional Planning Commission ("WFRPC") to gather data and analysis on an area within the City of Lynn Haven that could be slum or blighted, as those terms are defined in Section 163.340, Florida Statutes; and

WHEREAS, on February 25, 2002, after obtaining requests for qualifications from interested firms, the Commission authorized the City Manager to negotiate with and hire the RMPK Group, Inc ("RMPK") to assist the City in developing a community redevelopment plan on any area within the City of Lynn Haven that could be slum or blighted, as those terms are defined in Section 163.340, Florida Statutes; and

WHEREAS, in April 2003, WFRPC presented their findings on the slum and blighted areas of the City in a Community Redevelopment Study (the "CRA Feasibility Study") to the Commission at a public workshop. Based on data and analysis, the study identified a specific area of the City that met the standards for a redevelopment area in Chapter 163, Florida Statutes (the "Lynn Haven CRA Area"); and

WHEREAS, in October 2003, at the direction of the Commission, RMPK prepared and presented a draft community redevelopment plan for the Lynn Haven CRA Area (the "Lynn Haven CRA Plan") to the Commission; and

WHEREAS, on November 13, 2003, at the direction of the Commission, RMPK presented the draft Lynn Haven CRA Plan and the CRA Feasibility Study at a special public workshop on the proposed community development area. Local stakeholders and

representatives from area taxing authorities were also invited to attend; and

WHEREAS, on April 13, 2004, the Commission adopted Resolution No. 2004-04-348 specifically finding that slum or blighted areas, as defined in Section 163.340, Florida Statutes, exist in the Lynn Haven CRA Area and that rehabilitation, conservation, or redevelopment was necessary and in the public interests of the residents of Lynn Haven: and

WHEREAS, in an abundance of caution, the Commission desires to provide additional notice and public opportunity to be heard on the data and analysis gathered by the WFRPC, the CRA Feasibility Study, the proposed Lynn Haven CRA Plan, and matters associated therewith; and

WHEREAS, the Commission has provided extraordinary notice to all taxing authorities having the ability to impose ad valorem taxes within the City of the intention to ratify, confirm and, if required, readopt its resolution of necessity required by Section 163.355, Florida Statutes, and to ratify and confirm its designation of the Lynn Haven CRA Area as an area appropriate for community redevelopment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or "Act"), provides legislative authorization for municipalities to create and establish community redevelopment agencies to carry out the redevelopment purposes of the Act.

(B) The Commission has carefully considered, among other things, the CRA Feasibility Study prepared by the WFRPC, the Lynn Haven CRA Plan prepared by RMPK, public and other stakeholder commentary from the Commission meetings and special community redevelopment meeting, substantial staff analysis and advice, and each of their own collective experiences and knowledge of the community.

(C) The Commission desires to exercise, and has exercised, the authority conferred upon the City by the Community Redevelopment Act to determine, ratify and confirm the prior determinations of the Commission, that one or more slum or blighted areas exist within the City and particularly within the Lynn Haven CRA Area described in the CRA Feasibility Study (Exhibit A, attached hereto and incorporated herein).

(D) Within the Lynn Haven CRA Area, there exists a predominance of inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility and usefulness; unsafe conditions; deterioration of site and other improvements, inadequate and outdated density patterns; inadequate parking facilities; and, diversity of ownership. These conditions substantially impair sound growth and have led to economic distress of the area.

(E) The Commission hereby finds that one or more blighted areas exist within the Lynn Haven CRA Area and constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the City; the existence of such areas contributes substantially and increasingly to economic and social liability imposing onerous burdens which substantially impairs or arrests sound growth. Further, the Commission finds that such areas consume an excessive proportion of essential services required for police, safety, and other forms of public protection, services, and facilities; and suffer from depressed property values and other economic depression.

(F) The Lynn Haven CRA Area and portions thereof are deteriorating and economically distressed due to building density patterns, inadequate parking facilities, faulty lot layout and inadequate street layout, and could, through means provided in the Community Redevelopment Act, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

(G) The Commission hereby finds that one or more blighted areas exist within the Lynn Haven CRA Area, and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such Lynn Haven CRA Area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City.

(H) The Commission hereby finds, determines, ratifies and confirms the Commission's prior determinations that the Lynn Haven CRA Area is an area appropriate for community redevelopment and that a community redevelopment agency should be created to carry out associated community redevelopment purposes and projects within the City.

SECTION 2. DESIGNATION OF LYNN HAVEN CRA AREA. The Commission hereby determines the Lynn Haven CRA Area, as depicted in the CRA Feasibility Study (Exhibit A attached hereto), to be a "blighted area" within the meaning of the Act, and designates such area as appropriate for community redevelopment.

SECTION 3. ADOPTION OF RESOLUTION.

(A) The adoption of this Resolution shall be liberally construed to (1) comply with the adoption of findings of necessity required by Section 163.355, Florida Statutes, (2) document that the Commission has determined, ratified and confirmed that the Lynn Haven

CRA Area to be a "blighted area" within the meaning of the Act, and designate such area as appropriate for community redevelopment.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the City inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform to the provisions herein contained.

SECTION 4. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this 25th day of May 2004.

**CITY COMMISSION OF THE CITY
OF LYNN HAVEN, FLORIDA**



Walter T. Kelley, Mayor,

ATTEST:



John Lynch, City Manager/Clerk

EXHIBIT A
LYNN HAVEN CRA FEASIBILITY STUDY