

Resolution No. 2004-05-351

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LYNN HAVEN, FLORIDA RELATING TO COMMUNITY REDEVELOPMENT; CREATING AND ESTABLISHING THE LYNN HAVEN COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CHAPTER 163, PART III, FLORIDA STATUTES; AUTHORIZING THE LYNN HAVEN COMMUNITY REDEVELOPMENT AGENCY TO EXERCISE CERTAIN POWERS WITHIN COMMUNITY REDEVELOPMENT AREAS DESIGNATED BY THE CITY; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 25, 2004, after careful study and analysis, the City Commission of the City of Lynn Haven, Florida (the "Commission") passed Resolution No. 2004-05-350 which determined that one or more blighted areas existed within the City. Further, the Commission determined that a need existed to create a community redevelopment agency, as defined in Chapter 163, Florida Statutes, to carry out redevelopment purposes within the City; and

WHEREAS, the City has provided extraordinary notice to all taxing authorities having the ability to impose ad valorem taxes within the City of its intention to (1) ratify and confirm prior findings and determinations of necessity required by Section 163.355, Florida Statutes, and other matters associated with community redevelopment within the City (2) establish a community redevelopment agency in Lynn Haven, and (3) designate the Commission, ex-officio, as the Lynn Haven Community Redevelopment Agency.

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 community redevelopment purposes of the Act.

(B) The Commission has exercised the authority conferred upon the City by the Community Redevelopment Act to determine that one or more slum or blighted areas exist within the City and has determined that one or more such areas exist.

(C) The Commission hereby confirms its prior determinations that there is a public need and purpose for a community redevelopment agency to effect and carry out community redevelopment purposes and projects within the City.

SECTION 2. CREATION OF THE LYNN HAVEN COMMUNITY REDEVELOPMENT AGENCY.

(A) The Commission hereby creates and establishes the Lynn Haven Community Redevelopment Agency (the "Agency") pursuant to Section 163.356, Florida Statutes. The Agency is constituted as a public instrumentality and the exercise by the Agency of the powers conferred by the Act shall be deemed and held to be the performance of an essential public function.

(B) Pursuant to Section 163.357, Florida Statutes, the Commission hereby declares that the Commission shall sit ex-officio as the governing body of the Agency. The Mayor and Mayor Pro Tem of the Commission shall serve respectively as the Chair and Vice-Chair of the Agency. A vacancy occurring during a term shall be filled in the same manner as provided for respectively filling a vacancy in the term of the Mayor or other members of the Commission. Coterminal with employment by the City, the City Manager, City Clerk, and City Attorney or any special counsel to the City shall also serve respectively as the executive director, clerk, and general counsel or special counsel for the Agency.

SECTION 3. POWERS. The Agency is authorized to exercise all of the powers conferred by the Act necessary and convenient to carry out and effectuate the purposes of community redevelopment and related activities within the City.

SECTION 4. DESIGNATION OF COMMUNITY REDEVELOPMENT AREAS; DEVELOPMENT OF COMMUNITY REDEVELOPMENT PLANS.

(A) The power to determine an area to be a slum or blighted area, or combination thereof, designate such area as appropriate for community redevelopment, and hold any

public hearings required and respect thereto is expressly reserved to the Commission pursuant to Section 163.358, Florida Statutes.

(B) All prior actions, determinations and findings made by the Commission relative to community redevelopment within the City are hereby ratified and confirmed.

(C) Upon adoption of this or any subsequent resolution by the City, identifying a specific redevelopment area and making the determinations provided for in Section 163.360, Florida Statutes, the Agency and its executive director, clerk, and counsel shall be deemed to be authorized and directed to proceed to timely create and seek comment upon a community redevelopment plan (or take any actions necessary to ratify or confirm any previously adopted community redevelopment plan) to be developed in conformance with the Community Redevelopment Act and express Commission policy direction, if any.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION; SAVINGS CLAUSE

(A) The adoption of this Resolution shall be liberally construed to create and establish the Lynn Haven Community Redevelopment Agency pursuant to Sections 163.356 and 163.357, Florida Statutes.

(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 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

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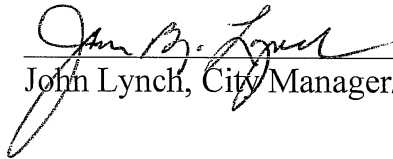
ADOPTED this 25th day of May 2004.

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



Walter T. Kelley, Mayor,

ATTEST:



John Lynch, City Manager/Clerk