

RESOLUTION NO. 1939

A RESOLUTION OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA; MAKING FINDINGS; FINDING THAT BLIGHTED AREAS EXIST ADJACENT TO THE EXISTING OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT DISTRICT; DECLARING THAT THE REHABILITATION, CONSERVATION AND REDEVELOPMENT OF SUCH BLIGHTED AREAS ARE NECESSARY IN THE INTEREST OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE RESIDENTS OF MELBOURNE; DETERMINING THAT THERE IS A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE REDEVELOPMENT PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES, WITHIN THE BLIGHTED AREAS; PROVIDING FOR THE EXPANSION OF THE OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT DISTRICT; DECLARING THE BOARD OF COMMISSIONERS OF SAID COMMUNITY REDEVELOPMENT DISTRICT SHALL CONSIST OF THE CITY COUNCIL APPOINTED PURSUANT TO SECTION 163.356, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, the Olde Eau Gallie Riverfront Community Redevelopment District was created on September 12, 2000; and

WHEREAS, pursuant to Section 163.340(8), Florida Statutes, a "blighted area" is defined as follows:

"Blighted area" means either:

(a) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of the county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
3. Unsanitary or unsafe conditions;
4. Deterioration of site or other improvements;
5. Tax or special assessment delinquency exceeding the fair market value of the land; and
6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed

construction; and

WHEREAS, there exists a blighted area to the north of the existing boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency as described in the attached Exhibit "A" and a blighted area to the south of the existing boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency as described in the attached Exhibit "B", which blighted areas should be included within the boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency; and

WHEREAS, in the areas described in Exhibits "A" and "B" there exists faulty or inadequate street layouts; a deterioration of infrastructure and sites; faulty lot layouts and non-conforming parking and ingress/egress points; economic and social liabilities imposing onerous burdens, which decrease the tax base and reduce tax revenues, and thus meeting the criteria of a blighted area as defined in Section 163.340(8), Florida Statutes, and consistent with Section 163.335(1), Florida Statutes; and

WHEREAS, a study (the "Study") was conducted by Lawandales Planning Affiliates, which makes factual findings of blight as described in the paragraph above, in addition to the other factors that demonstrate declining property values and a deteriorating infrastructure; and

WHEREAS, the City Council acknowledges receipt of the Study, and finds that based on the Study and other evidence and testimony, that areas described in Exhibits "A" and "B" constitute a Chapter 163, Part III, Florida Statutes, "blighted area;" and

WHEREAS, based on the Study and other evidence and testimony presented by the City's Planning and Economic Development Department, the City Council finds that expansion of the Olde Eau Gallie Riverfront Community Redevelopment Agency boundaries to include the areas as described in Exhibits "A" and "B," meets the intent and requirements set forth in and would be consistent with the requirements set forth in Section 163.335(1), Florida Statutes; 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 increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes.

BE IT RESOLVED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the areas of Melbourne more fully described in Exhibits "A" and "B," which areas are wholly within the corporate limits of the City of Melbourne, are hereby found and declared to be a "blighted area," as defined and within the purpose and intent of Chapter 163, Part III, Florida Statutes.

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 areas described in Exhibits "A" and "B" 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 areas described in Exhibits "A" and "B;" and

(c) That areas described in Exhibits "A" and "B" are appropriate to be included within, and are immediately and substantially contiguous to, the Olde Eau Gallie Riverfront 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 Exhibits "A" and "B:"

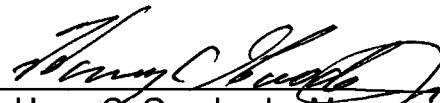
(a) Shall be included within the boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency; and

(b) Shall be subject to the jurisdiction of the existing board of commissioners of the Olde Eau Gallie Riverfront Community Redevelopment Agency.

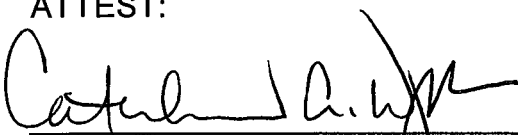
SECTION 5. That this resolution shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 6. That this resolution was adopted at a regular meeting of the City Council on the 28th day of June, 2005.

BY:


Harry C. Goode, Jr., Mayor

ATTEST:


Cathleen A. Wysor, City Clerk

Resolution No. 1939

Attachment: Exhibits "A" and "B"

**EAU GALLIE CRA
NORTH EXPANSION LEGAL DESCRIPTION**

A series of Lots, Parcels, and Rights-of-Way located within Township 27 South, Range 37 East, Section 16, Melbourne, Brevard County, Florida being more particularly described as follows:

Commence and Begin at the intersection of the South right-of-way of Creel Street (50' R/W) and the East right-of-way line of the Florida East Coast Railroad (FECRR - R/W Varies); thence run North along the East right-of-way of said FECRR for a distance of 1,320 feet more or less to a point, said point being the intersection of the East right-of-way line of the FECRR and the North right-of-way line of Aurora Road (R/W varies); thence run Easterly along the North right-of-way of said Aurora Road for a distance of 45 feet more or less to a point, said point being the intersection of the North right-of-way line of Aurora Road and the centerline of that certain abandoned portion of Cypress Avenue (66' R/W); thence run North along the centerline of the abandoned portion of said Cypress Avenue for a distance of 100 feet more or less to a point, said point lying along the East right-of-way of the FECRR; thence run North along said East right-of-way for a distance of 25 feet more or less to a point, said point being the intersection of the East right-of-way of the FECRR and the Westerly extension of the North line of Lot 2, Block 47, Village Plat of Eau Gallie as recorded in Plat Book 1, Page 47; thence run East along said Westerly extension and the North line of said Lot 2 and Eastern extension thereof for a distance of 170 feet more or less to a point, said point being the Southwest corner of Lot 14, Block 47, Village Plat of Eau Gallie; thence run North 132 feet more or less to a point, said point being the Northwest corner of Lot 13, Block 47; thence run East along the North line of said Lot 13 for a distance of 85 feet more or less to a point, said point being the intersection of the North line of said Lot 13 and the West right-of-way line of US Highway #1 (R/W Varies); thence run North along the West R/W of US Highway #1 for a distance of 250 feet more or less to a point, said point being the intersection of the West right-of-way of Highway US #1 and the South right-of-way of McClendon Street (50' R/W); thence run West along the South line of McClendon Street for a distance of 90 feet more or less to a point, said point being the intersection of the South line of McClendon Street and the East right-of-way line of the FECRR; thence run North along the East right-of-way line of the FECRR for a distance of 60 feet more or less to a point, said point being the intersection of the East line of the FECRR and the North right-of-way line of McClendon Street; thence run East along the North right-of-way line of McClendon Street for a distance of 80 feet more or less to a point, said point being the intersection of the North right-of-way line of McClendon Street and the West right-of-way line of Highway US #1; thence run North along the West right-of-way line of Highway US #1 for a distance of 250 feet more or less to a point, said point being the intersection of the West right-of-way of Highway US #1 and the East right-of-way line of the FECRR; thence run North along the East right-of-way line of the FECRR for a distance of 1,650 feet more or less to a point, said point being the intersection of the East right-of-way line of the FECRR and the North right-of-way line of Coleman Street (partially vacated R/W); thence run Easterly along the North right-of-way line of Coleman Street for a distance of 800 feet more or less to a point, said point being the intersection of the Easterly

extension of the North line of Coleman Street and the East right-of-way line of Pineapple Avenue (R/W Varies); thence run South along the East right-of-way line of Pineapple Avenue for a distance of 735 feet more or less to a point, said point being the Northwest Corner of Lot 1, Block "A", Village Plat of Eau Gallie as recorded in Plat Book 1, Page 47; thence run East along the North line of Block "A" for a distance of 500 feet more or less to a point, said point being the Northeast corner of Lot 10, Block "A", Village Plat of Eau Gallie; thence run South 100 feet more or less to the Southeast corner of said Lot 10; thence run West along the South line of Lots 10 and 9, Block "A", for a distance of 75 feet more or less to a point, said point being the intersection of the South line of Lot 9, Block "A", and the West bank of the Indian River; thence run South along the West bank of the Indian River for a distance of 350 feet more or less to a point, said point being the intersection of the West bank of the Indian River and the South line of lands described in ORB 1456, Page 0761; thence run West along the South line of said (1456/0761) for a distance of 380 feet more or less to a point, said point being the intersection of the South line of (1456/0761) and the East right-of-way line of Pineapple Avenue; thence run South along the East right-of-way of Pineapple Avenue for a distance of 2,360 feet more or less to a point, said point being the intersection of the East right-of-way line of Pineapple Avenue and the Eastern extension of the South right-of-way of Creel Street (50' R/W); thence run West along the East extension and the South right-of-way line of Creel Street for a distance of 2,340 feet more or less to a point, said point being the intersection of the South right-of way line of Creel Street and the Easterly right-of-way for the FECRR, and also said point being the Point-of-Beginning.

**EAU GALLIE CRA
SOUTH EXPANSION LEGAL DESCRIPTION**

A series of Lots, Parcels, and Rights-of-Way located within Township 27 South, Range 37 East, Section 16 and 21, Melbourne, Brevard County, Florida being more particularly described as follows:

Commence and Begin at the intersection of the South right-of-way line of Eau Gallie Boulevard (SR 518 - R/W Varies) and the East right-of-way line of the Florida East Coast Railroad (FECRR), said point also being the Northwest corner of Lot 72, Sunset Terrace Subdivision as recorded in Plat Book 10, Page 6, public records of Brevard County, Florida; thence run East along the South right-of-way line of Eau Gallie Boulevard and the North line of said Lot 72 for a distance of 510 feet more or less to a point, said point being the Northeast corner of said Lot 72; thence run South along the East line of said Lot 72 and Lots 14-19, Sunset Terrace Subdivision for a distance of 499.81 feet more or less to a point, said point being the Southeast corner of Lot 19, Sunset Terrace Subdivision and also said point being along the North right-of-way line of Orange Street (60' R/W); thence run East along the North right-of-way line of Orange Street for a distance of 615 feet more or less to a point, said point being the intersection of the North right-of-way line of said Orange Street and the West right-of-way line of US Highway #1 (R/W Varies); thence run North along the West right-of-way line of US Highway #1 for a distance of 85 feet more or less to a point, said point being the intersection of the West right-of-way line of US Highway #1 and the Westerly extension of the North right-of-way line of Shady Lane (30' R/W); thence run East along the Western extension of the North right-of-way line of Shady Lane for a distance of 210 feet more or less to a point, said point being the Southwest corner of Lot 19, Creel's Subdivision as recorded in Plat Book 2, Page 10; thence run North along the West lines of Lot 19 and Lot 14 and across Old Oak Street (R/W Varies), for a distance of 208 feet more or less to a point, said point lying along the North right-of-way line of Old Oak Street; thence run East along the North right-of-way line of Old Oak Street for a distance of 253 feet more or less to a point, said point being the Southwest corner of Lot 8, Creel's Subdivision; thence run North 89 feet more or less to the Northwest corner of said Lot 8; thence run East 52 feet more or less to the Northeast corner of said Lot 8; thence run South 79 feet more or less to the North right-of-way line of Old Oak Street; thence run East along said North right-of-way for a distance of 66 feet more or less to a point, said point being the Southwest corner of Lot 5, Block "D", Roesch's Addition to Eau Gallie as recorded in Plat Book 1, Page 55; thence run North 96.67 feet more or less to the Northwest corner of Lot 5, Block "D"; thence run East along the North line of Lots 5 and 6, Block "D", Desoto Street (40' R/W) and Lot 5, Block "C", of Roesch's Addition to Eau Gallie for a distance of 238 feet more or less to a point, said point being the Northeast corner of Lot 5, Block "C", Roesch's Addition to Eau Gallie; thence run South 96.67 feet more or less to the North right-of-way line of Old Oak Street; thence run East along said North right-of-way line of Old Oak Street for a distance of 66 feet more or less to a point, said point being the Southwest corner of Lot 7, Block "C"; thence run North 96.67 feet more or less to the Northwest corner of Lot 7, Block "C"; thence run East along the North lines of Lots 7, 8, and Water Street right-of-way (40' R/W) for a distance of 172 feet more or less to the Northwest corner of Lot 5, Block "B", Roesch's Addition to Eau Gallie; thence run South 96.67

feet more or less to the Southwest corner of Lot 5, Block "B", and also being along the North right-of-way line of the aforementioned Old Oak Street; thence run East along the North right-of-way line of Old Oak Street for a distance of 198 feet more or less to the Southwest corner of Lot 8, Block "B", Roesch's Addition to Eau Gallie; thence run North along the West line of Lot 8 for a distance of 45.33 feet more or less to a point; thence run Northeasterly for a distance of 94.66 feet to a point, said point being 92 feet more or less North of the Southeast corner of said Lot 8, Block "C", said point also lying along the West right-of-way line of Highland Street (40' R/W); thence run Northwesterly along the West right-of-way line of Highland Street for a distance of 118 feet more or less to a point, said point lying along the South right-of-way line of Eau Gallie Boulevard and also being along the North line of the Southeast $\frac{1}{4}$ of said Section 21; thence run East along said North line of the Southeast $\frac{1}{4}$ for a distance of 80 feet more or less to a point, said point being the intersection of the North line of the Southeast $\frac{1}{4}$ and the East right-of-way line of Highland Avenue (66' R/W); thence run Northwesterly along the East right-of-way of Highland Avenue for a distance of 100 feet more or less to a point, said point being the intersection of the East right-of-way line of Highland Avenue and the North right-of-way line of Hector Street (50' R/W); thence run Northeasterly along the North right-of-way line of Hector Street for a distance of 132 feet more or less to a point, said point being the Southeast corner of Lot 1, Block 1, Village Plat of Eau Gallie as recorded in Plat Book 1, Page 47; thence run Northwesterly along the Eastern property line of said Lot 1 for a distance of 66 feet more or less to a point, said point being along the Southern right-of-way line of Eau Gallie Boulevard (R/W Varies); thence run Northeasterly along the South right-of-way line of Eau Gallie Boulevard for a distance of 260 feet more or less to a point, said point being the intersection of the South right-of-way line of Eau Gallie Boulevard and the Northwest corner of Lot 37, Block "B", Village Plat of Eau Gallie; thence run East along the North line of said Lot 37 for a distance of 185 feet more or less to a point, said point lying along the Westerly right-of-way of the Eau Gallie Causeway (SR 518 – 650' R/W); thence run South along the Westerly right-of-way of the Eau Gallie Causeway for a distance of 200 feet more or less to the Southwest corner of the Eau Gallie Causeway right-of-way; thence run East along said South right-of-way for a distance of 90 feet more or less to a point, said point being the intersection of the South right-of-way of Eau Gallie Causeway and the West bank of the Indian River; thence run Southeasterly along the West bank of the Indian River for a distance of 1,200 feet more or less to a point, said point being the intersection of the West bank of the Indian River and the South right-of-way line of Young Street (32' R/W); thence run West along the South right-of-way line of said Young Street for a distance of 1,200 feet more or less to a point, said point being 52.62 feet more or less West of the Northeast corner of the West 267.62 feet more or less of Lot 3, Houston's Addition to Eau Gallie, as recorded in Plat Book 1, Page 48; thence run South along the East line of lands described in ORB 3714, Page 3030, for a distance of 150.00 feet more or less; thence run Southwesterly along the Southeast line of said (3714/3030) for a distance of 91.77 feet more or less; thence run West along the South line of (3717/3030) for a distance of 43.00 feet more or less; thence run Southeast along an East line of lands described in ORB 4055, Page 0215, for a distance of 68.64 feet more or less; thence run South along an East line of (4055/0215) for a distance of 257.00 feet more or less; thence run East along a line of (4055/0215) for a distance of 55.00 feet more or less; thence run South along an East line of (4055/0215) for a distance of 47 feet more or less to a point, said point being along the Northerly bank of the Eau Gallie River; thence meander Westerly along the North bank of the Eau Gallie River for a distance of 3,500 feet more or less to a point, said point being the intersection of the North bank of the Eau Gallie River and the East right-of-way of the Florida East Coast Railroad (FECRR – R/W Varies); thence run North along the East right-of-way

line of the FECRR for a distance of 1,560 feet more or less to a point, said point being the Northwest Corner of Lot 72, Sunset Terrace Subdivision as recorded in Plat Book 10, Page 6, and also being the Point of Beginning.