

RESOLUTION #85-138

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY DIRECTING ITS CLERK TO PROVIDE PUBLIC NOTICE IN THE MANNER SET FORTH IN FLORIDA STATUTE 163.346 (1984) OF THE BOARDS INTENT TO CONSIDER THE ADOPTION OF THE RESOLUTION AND ORDINANCE ATTACHED HERETO AT THE TIMES AND PLACES DESCRIBED HEREIN.

WHEREAS, the Board of County Commissioners of St. Johns County considers it desirable to consider creating a Community Redevelopment Agency pursuant to Part III of Chapter 163 Florida Statutes (1984); and,

WHEREAS, Florida Statute §163.346 (1984) requires notice of such proposed action and provides the manner in which such notice shall be given,

NOW THEREFORE, BE IT RESOLVED this 8th day of October, 1985 by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. The Board of County Commissioners of St. Johns County shall consider adoption of the attached Resolution at its regularly scheduled Board of County Commissioners Meeting at the County Commission meeting room in the County Administration Building at Rt. 10, Box 85, County Road 16-A (Lewis Speedway), north of the city limits of St. Augustine, Florida, at 10:15 o'clock a.m. on November 12, 1985.

Section 2. The Board of County Commissioners of St. Johns County shall consider adoption of the attached Ordinance (provided a resolution in substantially the form of the attached resolution has first been passed) at its regularly scheduled Board of County Commissioners Meeting at the County Commission meeting room in the County Administration Building at Rt. 10, Box 85, County Road 16-A

(Lewis Speedway), north of the city limits of St. Augustine, Florida, at 10:15 o'clock a .m. on December 10, 1985.

Section 3. The Clerk is requested and directed to provide notice of the Boards intent to consider adoption of the Resolution and the Ordinance and the dates, times and place of the public hearings at which each such passage will be considered in the manner provided by Florida Statutes 163.346(1984), 125.66(2) and (4) AND at least 15 days before such proposed actions to mail by registered mail, such notice (with copies of the proposed Resolution and Ordinance) to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographical boundaries of St. Johns County.

Section 4. Each notice shall contain the following in capitalized letters:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Section 5. The Clerk is futher requested and directed to provide the County Attorney with 5 original proofs of each newspaper publication.

Section 6. The Clerk is further requested and directed to provide the County Attorney with 5 Certificates by the Clerk listing the names and mailing addresses of each taxing authority that levies ad valorem taxes on taxable real property contained within the geographical boundaries of St. Johns County and certifying that such list contains the names and addresses of all such taxing authorities.

Section 7. The Clerk is further requested and directed to provide the County Attorney with 5 certified copies of each mailed

notice with certified copies of the postal receipt for registered mail and the return receipt for each such mailed notice.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Nay Walden*  
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: *Cheryl Kent*  
Deputy Clerk

RESOLUTION #85-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA MAKING FINDINGS AND DETERMINATIONS CONCERNING THE EXISTANCE AND REHABILITATION OF SLUMS OR BLIGHTED AREAS WITHIN ST. JOHNS COUNTY; FINDING A NEED FOR AND CREATING A PUBLIC BODY CORPORATE AND POLITIC TO BE KNOWN AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR LIBERALITY OF CONSTRUCTION AND FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND DIRECTING THE CLERK TO MAIL A CERTIFIED COPY OF THE RESOLUTION TO THE DEPARTMENT OF STATE.

WHEREAS, the Florida Legislature recently made the following findings and declarations (among others) concerning Blighted Areas and the need for Community Redevelopment Agencies:

1. 163.335(1) There exist in counties of the state blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth and retards the provision of housing accommodations.
2. 163.335(2) Certain blighted areas, or portions thereof, may require acquisition, and disposition subject to use restrictions, and can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.
3. 163.335(3) The powers conferred by Part III Chapter 163 Florida Statutes are for public uses and purposes for which money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for such provisions in Part III Chapter 163 Florida Statutes is declared as a matter of legislative determination.
4. 163.335(4) The preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; and 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; and

WHEREAS, the Florida legislature declared in part (FS: 163.345) that any county, to the greatest extent it determines to be feasible in carrying out the provisions of Part III Chapter 163 Florida Statutes,

shall afford maximum opportunity, consistent with the sound needs of the county as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county shall give consideration to this objective in exercising its powers under Part III, including the formulation of a workable program; the approval of community redevelopment plans, the disposition of any property acquired and the provision of necessary public improvements, and

WHEREAS, there exists in St. Johns County many old and inadequate subdivisions that were recorded prior to the enactment of the County's subdivision regulations and that contain lots whose sizes are inadequate for sound and safe residential development, that contain poor or inadequate rights of ways for streets, utilities and drainage, that contain no mechanism for construction of necessary roads and drainage facilities; that contain lots owned by such diversity of ownership that coordinated planning is impractical if not impossible, and that contain one or more of the characteristics of a blighted area as determined by the Florida legislature.

NOW, THEREFORE, BE IT RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 1985 by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. It is hereby found, determined and declared that:

- a) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in St. Johns County; and
- b) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of St. Johns County; and
- c) There is a need for a community redevelopment agency to function in St. Johns County to carry out the community redevelopment purposes of Part III of Chapter 163 Florida Statutes; and
- d) The recitals of fact and declarations contained in the "Whereas" paragraphs of this Resolution are accurate and apply to St. Johns County and are adopted hereby; and
- e) All Notices required by Florida Statute 163.346 pertaining to this Resolution have been provided.

Section 2. To the extent permitted by applicable law including Florida Statute 163.356, there is hereby created a public body corporate and politic to be known as the St. Johns County Community Redevelopment Agency. This Agency shall not be deemed to exist until and unless the Board of County Commissioners of St. Johns County shall also pass an Ordinance containing language purporting to create such Agency and appointing the members thereto. The Agency created by this Resolution and/or by a subsequent Ordinance of St. Johns County shall be one and the same.

Section 3. LIBERAL CONSTRUCTION AND SEVERABILITY:

The provisions of this Resolution shall be liberally construed to effectively carry out its intent and purpose. If any section, phrase, sentence or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining provisions hereof.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately.

Section 5. CLERK IS DIRECTED TO FILE A CERTIFIED COPY WITH THE DEPARTMENT OF STATE:

The Clerk is requested and directed to file a certified copy of this Resolution with the Department of State and to obtain receipt of official acknowledgment from that office that this Resolution has been filed.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: \_\_\_\_\_  
Its Chairman

ATTEST: \_\_\_\_\_  
Deputy Clerk

ORDINANCE #85

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA CONFIRMING A PREVIOUS COUNTY RESOLUTION PERTAINING TO THE SUBJECT MATTER OF THIS ORDINANCE; MAKING FINDINGS AND DETERMINATIONS CONCERNING THE EXISTANCE AND REHABILITATION OF SLUMS OR BLIGHTED AREAS WITHIN ST. JOHNS COUNTY; FINDING A NEED FOR AND CREATING A PUBLIC BODY CORPORATE AND POLITIC TO BE KNOWN AS ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR LIBERALITY OF CONSTRUCTION AND FOR SEVERABILITY; APPOINTING MEMBERS TO THE AGENCY; APPOINTING A CHAIRMAN AND VICE CHAIRMAN; PROVIDING THAT THE COUNTY ATTORNEY SHALL BE THE ATTORNEY FOR THE AGENCY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

Section 1. Each section of St. Johns County Resolution #85-\_\_\_\_\_ is hereby ratified and approved.

Section 2. It is hereby found, determined and declared that:

- a) There exists in St. Johns County many old and inadequate subdivisions that were recorded prior to the enactment of the County's subdivision regulations and that contain lots whose sizes are inadequate for sound and safe residential development, that contain poor or inadequate rights of ways for streets, utilities and drainage, that contain no mechanism for construction of necessary roads and drainage facilities; that contain lots owned by such diversity of ownership that coordinated planning is impractical if not impossible, and that contain one or more of the characteristics of a blighted area as determined by the Florida legislature; and
- b) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in St. Johns County; and
- c) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of St. Johns County; and
- d) There is a need for a community redevelopment agency to function in St. Johns County to carry out the community redevelopment purposes of Part III of Chapter 163 Florida Statutes; and
- e) All Notices required by Florida Statute 163.346 pertaining to this Ordinance have been provided.

Section 3. There is hereby created a public body corporate and politic to be known as the St. Johns County Community Redevelopment Agency which shall have all the powers permitted to such agencies under Part III Chapter 163 Florida Statutes and other pertinent and applicable laws.

Section 4. The powers of the St. Johns County Community Redevelopment Agency shall be exercised by its board of commissioners which shall consist of not fewer than five or more than seven commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments.

Section 5. The following persons reside or own a business within St. Johns County and are hereby appointed to the board of commissioners of the St. Johns County Community Redevelopment Agency for the terms indicated next to their names:

<u>NAME</u>	<u>BEGINNING OF TERM</u>	<u>END OF TERM</u>
1.	December __, 1985	December __, 1986
2.	December __, 1985	December __, 1987
3.	December __, 1985	December __, 1988
4.	December __, 1985	December __, 1989
5.	December __, 1985	December __, 1989
6.	December __, 1985	December __, 1989
7.	December __, 1985	December __, 1989

Each Commissioner shall hold office until his successor has been appointed and has qualified. Each member of this Agency shall take and subscribe the oath or affirmation required by the State constitution.

Section 6. \_\_\_\_\_ shall be the initial  
Chairman of the St. Johns County Community Redevelopment Agency and  
\_\_\_\_\_ shall be its initial Vice Chairman.

Section 7. The attorney for the St. Johns County Community  
Redevelopment Agency shall be the County Attorney for St. Johns County.

Section 8. The provisions of this Ordinance shall be liberally  
construed to effectively carry out its intent and purpose. If any  
section, phrase, sentence or portion of this Ordinance is for any  
reason held invalid or unconstitutional by any Court of competent  
jurisdiction, such portion shall be deemed a separate, distinct and  
independent provision and such holdings shall not effect the validity  
of the remaining provisions thereof.

Section 9. This Ordinance shall take effect immediately  
upon receipt of official acknowledgment by the office of the Department  
of State to the Clerk of the Board of County Commissioners, that  
same has been filed.

PASSED by the Board of County Commissioners of the County  
of St. Johns, State of Florida, this \_\_\_\_\_ day of \_\_\_\_\_,  
1985.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Deputy Clerk