

ORDINANCE NO. 2013- 05

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO COMMUNITY REDEVELOPMENT AND PROVIDING FOR THE EXPIRATION OF THE CITY'S COMMUNITY REDEVELOPMENT AREA AND COMMUNITY REDEVELOPMENT AGENCY AND ALL OBLIGATIONS RELATING THERETO IN ACCORDANCE WITH CONTROLLING DOCUMENTS AND LAW; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR TERMINATION AND WINDING DOWN OF COMMUNITY REDEVELOPMENT PROGRAMS AND ACTIVITIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 2005-34 AND RESOLUTION NUMBER 2005-12; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Daytona Beach Shores, Florida adopted Resolution Number 2005-12 in 2005 establishing a Community Redevelopment Area within the City Limits of the City relative to the implementation of community redevelopment under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 163 and Chapter 166, *Florida Statutes*, and the controlling case law of the State of Florida; and

WHEREAS, also in 2005 the City Council of the City of Daytona Beach Shores, Florida enacted Ordinance Number 2005-34 establishing itself as the City's Community Redevelopment Agency and establishing and creating a community redevelopment trust fund under the above-referenced provisions of controlling State law; and

WHEREAS, the City Council was concerned about the appearance and commercial viability of the State Road A1A northern corridor area of the City of Daytona Beach Shores and developed and utilized all available and prudent measures available under controlling law to address the expressed concerns; and

WHEREAS, the City Council of Daytona Beach Shores engaged in the rehabilitation, conservation and redevelopment of the State Road A1A northern corridor area and advanced the public interest using tax increment financing for the benefit of the public interest and the advancement of the public health, safety, morals and welfare; and

WHEREAS, both City residents and visitors to the City have benefited from the community redevelopment activities of the City; and

WHEREAS, the City Council has determined that the termination and winding down of the City's Community Redevelopment Area and the City's Community Redevelopment Agency are now appropriate.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE. LEGISLATIVE FINDINGS.

- (a). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing this Ordinance.
- (b). The City staff agenda memorandum relating to this Ordinance is adopted herein by this reference thereto as additional findings of the City Council of the City of Daytona Beach Shores.
- (c). The City Council of the City of Daytona Beach Shores expresses its profound appreciation to former members of the City Council and the citizens of the City for their continued support of community redevelopment activities within the City and the advancement of the high quality life that is enjoyed within the City.
- (d). The City Council of the City of Daytona Beach Shores expresses its gratitude to City staff for prudently administering and managing the community redevelopment activities of the City in the implementation of the programs, projects and goals of the City.
- (e). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Daytona Beach Shores and are incorporated into this Ordinance as if set forth *in haec verba*.

SECTION TWO. TERMINATION AND WINDING DOWN OF COMMUNITY REDEVELOPMENT ACTIVITIES.

- (a). The community redevelopment activities of the City of Daytona Beach Shores are hereby terminated.
- (b). The City Council shall no longer serve as the Community Redevelopment Agency of the City and there shall no longer be such an agency. All actions of the City relative to community redevelopment under the auspices of the City's Community Redevelopment Agency or on the basis of a Community Redevelopment Area being in effect shall cease.
- (c). Notwithstanding the provisions of this Ordinance, the City may engage in such *ad hoc* activities to benefit the City relative to and under its constitutional and statutory home rule powers, but will not be implementing the provisions of Part III, Chapter 163, *Florida Statutes*.
- (d). As necessary, the Mayor of the City shall have the power and authority to execute any and all necessary documents in order to implement the termination and winding down of community redevelopment activities as set forth herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS.

- (a). The City Manager is hereby authorized to take any and all necessary administrative actions in order to implement the provisions of this Ordinance.
- (b). The City Manager may delegate implementing authority to implement the provisions of this Ordinance to the Finance Director as deemed appropriate.
- (c). The City Manager, or designee, shall have the power and authority to execute any and all necessary documents in order to implement the termination and winding down of community redevelopment activities as set forth herein.
- (d). The appropriate offices of Volusia County and such other entities and persons as may be prudent or appropriate shall be notified by the City Manager, or designee, of the actions taken by the City in this Ordinance.

SECTION FOUR. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to community redevelopment and related programs, projects, actions and activities are hereby ratified and affirmed.

SECTION FIVE: REPEALER/CONFLICTS.

- (a). Ordinance Number 2005-34 is hereby repealed.
- (b). Resolution Number 2005-12 is hereby repealed.
- (c). In addition to the acts taken in this Section and otherwise in this Ordinance, effective the date of this Ordinance, all ordinances and all resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN. CODIFICATION. This Ordinance shall not be codified.

SECTION EIGHT. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Harry Jennings

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Lonnie Groot, City Attorney

Passed and adopted on first reading this _____ day of _____, 2013.

Posted this _____ day of _____, 2013.