

RESOLUTION NO. 2010- 14

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT PURSUANT TO CHAPTER 163, PART III, FLORIDA STATUTES (THE "COMMUNITY REDEVELOPMENT ACT"); SAID RESOLUTION BEING SUPPORTED BY DATA AND ANALYSIS; DEFINING THE MARCO ISLAND TOWN CENTER COMMUNITY REDEVELOPMENT AREA; FINDING THE EXISTENCE OF CONDITIONS IN THE MARCO ISLAND TOWN CENTER COMMUNITY REDEVELOPMENT AREA THAT WARRANT THE CREATION OF A COMMUNITY REDEVELOPMENT AREA; MAKING A LEGISLATIVE FINDING THAT CONDITIONS IN THE MARCO ISLAND TOWN CENTER COMMUNITY REDEVELOPMENT AREA MEET THE CRITERIA DESCRIBED IN SECTION 163.340 (7) OR (8), FLORIDA STATUTES ("FINDING OF NECESSITY"); PROVIDING FOR FILING WITH THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature duly enacted Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act") establishing the conditions and procedures for the establishment of community redevelopment areas and agencies; and finding that coastal and resort tourist areas or portion thereof which are deteriorating or economically distressed could be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community; and

WHEREAS, the City of Marco Island Planning Board has held multiple public meetings to consider the need for redevelopment in the Town Center area of Marco Island; and

WHEREAS, the City of Marco Island provided general public notice and mailed over 1,100 individual invitations to property owners and residents inviting their participation at two community workshops on April 13 and April 18, 2009 to solicit comments and suggestions regarding redevelopment; and

WHEREAS, the City of Marco Island commissioned Kimley-Horn and Associates, Inc. to prepare an independent finding of necessity analysis of the Town Center area; and

WHEREAS, the City of Marco Island Planning Board, following public meetings on October 2, 2009, and November 13, 2009 reviewed the independent Town Center Community Redevelopment Area Finding of Necessity Report 2009 prepared by Kimley-Horn and Associates, Inc., considered public input, the recommendation of the staff, and the standards and guidelines of Chapter 163, Part III, and voted 7 in favor and none opposed to recommend that the Marco Island City Council accept the Finding of Necessity Report and proceed with consideration to establish a community redevelopment area; and

WHEREAS, the Marco Island City Council considered the recommendations of the Planning Board on December 7, 2009 and authorized the City Manager to proceed with

the required steps to formally consider the Finding of Necessity Report pursuant to Chapter 163, Part III; and

WHEREAS, pursuant to Section 163.346, Florida Statutes, the City of Marco Island has provided public notice of its intent to consider adopting a resolution declaring a finding of necessity for creation of the Marco Island Town Center Community Redevelopment Area at least fifteen (15) days before such proposed action by registered mailed notice to each taxing authority which levies ad valorem taxes on real property contained within the geographic boundaries of the proposed redevelopment area and in compliance with the notice requirements set forth in Section 166.041(3)(a), Florida Statutes; and

WHEREAS, conditions are present which are detrimental to the sound growth of the Marco Island Town Center Redevelopment Area and which substantially impair or arrest appropriate growth within the area, and present conditions and uses which are detrimental to the public health, safety, morals and public welfare; and

WHEREAS, the Town Center Community Redevelopment Area Finding of Necessity Report confirmed that: conditions in the area meet the criteria described in Section 163.340 (7) or (8), blighted areas exist within the Town Center Community Redevelopment Area, and the rehabilitation, conservation, or redevelopment of the Town Center Community Redevelopment Area is necessary in the interest of public health, safety, morals or welfare of the residents of Marco Island; and

WHEREAS, the Town Center Community Redevelopment Area is a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout and inadequate street layout; and

WHEREAS, the Town Center Community Redevelopment Area contains a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by the Finding of Necessity Report, are leading to economic distress; and

WHEREAS, within the Town Center Community Redevelopment Area there is a predominance of defective or inadequate street layout, parking facilities, roadways, drainage facilities, or other public infrastructure; and

WHEREAS, aggregate assessed values of real property in the Town Center Community Redevelopment Area for ad valorem tax purposes have failed to show any appreciable increase and in fact such values have declined at rates significantly greater than that of the City of Marco Island and Collier County as a whole; and

WHEREAS, within the Town Center Community Redevelopment Area there exists faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and

WHEREAS, within the Town Center Community Redevelopment Area there exists unsafe or unsanitary conditions; and

WHEREAS, within the Town Center Community Redevelopment Area there exists inadequate or outdated building density patterns; and

WHEREAS, within the Town Center Community Redevelopment Area there exists a substantial commercial vacancy rate; and

WHEREAS, within the Town Center Community Redevelopment Area there exists an incidence of vehicle accidents at a rate higher than those in other areas of the City of Marco Island; and

WHEREAS, the Town Center Community Redevelopment Area exhibits a diversity of ownership and unusual property configurations which prevent the free alienability of land; and

WHEREAS, within the Town Center Community Redevelopment Area there exists a significant degree of nonconformities relative to parking, stormwater management, landscaping, architectural design and community standards; and

WHEREAS, the Town Center Community Redevelopment Area can be revitalized or redeveloped in a manner that will vastly improve the economic and social conditions of the community; and

WHEREAS, after considering the recommendation of the Planning Board and after providing proper notice to all taxing authorities which levy ad valorem taxes on real property in the redevelopment area, and providing the public an opportunity to present testimony and evidence, the City Council, finds as a matter of fact that conditions exist which warrant the creation of a community redevelopment area.

NOW THEREFORE, BE IT RESOLVED BY THE MARCO ISLAND CITY COUNCIL, THAT:

Section 1. Recitals. The above recitals are true and correct, are hereby accepted as legislative findings of fact, and incorporated into this Resolution by this reference.

Section 2. Approval. This Resolution is supported by data and analysis and the City Council makes a legislative finding of fact that the conditions in the Marco Island Town Center Community Redevelopment Area meet the criteria described in Section 163.340 (7) or (8), Florida Statutes. The City Council adopts the Town Center Community Redevelopment Area Finding of Necessity Report prepared by Kimley-Horn and Associates, Inc. ("Exhibit A", attached hereto) and in accordance with Section 163.356, Florida Statutes finds that there is a need for a community redevelopment area for the Town Center area of the City of Marco Island. The geographic area of the Marco Island Town Center Community Redevelopment Area is designated as depicted on the map attached hereto as "Exhibit B".

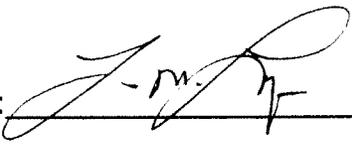
Section 3. Recordation Required. This Resolution relating to the Marco Island Town Center Community Redevelopment Area shall be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted this 1st day of March, 2010.

Attest:

CITY OF MARCO ISLAND, FLORIDA

By: 

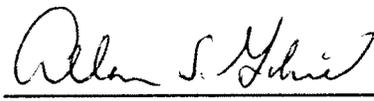
Laura M. Litzan, City Clerk

By: 

Frank R. Recker, Council Vice-Chair

(SEAL)

Reviewed for legal sufficiency:

By: 

Alan L. Gabriel, City Attorney