

RESOLUTION NO. 2008-19

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, REQUIRING THE DISCLOSURE OF OWNERSHIP INTERESTS OF THE APPLICANT AND PROPERTY OWNERS SEEKING COMPREHENSIVE PLAN AMENDMENTS OR DEVELOPMENT ORDER APPROVALS BEFORE THE CITY COUNCIL OR BOARD OF ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the Code of Ordinances of the City of Palm Bay and past practice, an applicant and/or property owner who desires an amendment to the comprehensive plan or approval of a development order, including a change in the zoning classification of a property, can permit a third party to file the application for such action on their behalf, and

WHEREAS, that the City Council recognizes that the existing practice does not necessarily disclose the parties who are seeking approval from the City of Palm Bay, and

WHEREAS, in a furtherance of transparency and open government the City Council finds that it is in the best interest of the public at-large that full disclosure of the parties applying for comprehensive plan amendments and development orders before the City Council should occur.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Each application for a comprehensive plan amendment shall disclose the ownership interests of the applicant and property owner.

SECTION 2. Each application for a development order, including a change to the zoning classification of a property, that will be heard before the City Council or the Board of Adjustment shall disclose the ownership interests of the applicant and property owner.

SECTION 3. The form entitled “Disclosure of Ownership Interests – Applicant”, attached hereto as Exhibit “A”, shall be utilized to disclose the ownership interests of the applicant. The form entitled “Disclosure of Ownership Interests – Property Owner”, attached hereto as Exhibit “B”, shall be utilized to disclose the ownership interests of the property owner.

SECTION 4. The disclosure requirements of Section 1 and 2 above shall not apply to an individual’s or entity’s interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

SECTION 5. Failure to properly disclose the ownership interests of the applicant and/or the property owner shall be sufficient cause for the City Council to nullify or rescind any prior actions of the City Council that relied upon such improper disclosure.

SECTION 6. This resolution shall take effect fifteen (15) days after the enactment date.

This resolution was duly enacted at Meeting No. 2008-06, of the City Council of the City of Palm Bay, Brevard County, Florida, held on February 21, 2008.

John J. Mazziotti, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

cc: 02-22-08 S. Hann, Deputy City Manager
D. Watkins, Growth Management

CITY OF PALM BAY

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

TO: CITY OF PALM BAY GROWTH MANAGEMENT DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, this day personally appeared _____, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] _____ [position-e.g., president, partner, trustee] of [position-e.g., president, partner, trustee] of _____ [name and type of entity-e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with the City of Palm Bay.
2. Affiant's address is: _____
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that the Affidavit is given to comply with City of Palm Bay Resolution No. 2008 - 19, and will be relied upon by the City of Palm Bay in its review of application for Comprehensive Plan amendment or Development Order approval affecting the property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

_____, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

_____, Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY

CITY OF PALM BAY

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

TO: CITY OF PALM BAY GROWTH MANAGEMENT DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, this day personally appeared _____, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

Affiant is the [] individual or [] _____
[position-e.g., president, partner, trustee] of _____ [name
and type of entity-e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter,
"Applicant"). Applicant seeks Comprehensive Plan amendment or Development
Order approval for real property legally described on the attached Exhibit "A" (the
"Property").

Affiant's address is: _____

Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Affiant acknowledges that the Affidavit is given to comply with City of Palm Bay Resolution No. 2008-19, and will be relied upon by the City of Palm Bay in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

_____, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

_____, Notary Public

(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

PROPERTY

