

**RESOLUTION NO. 31-2007**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE MALABAR COMPREHENSIVE PLAN; STATING THE INTENT OF THE MALABAR COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMENDATIONS CONTAINED IN THE REPORT; APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE OF SECTION 163.3191 FLORIDA STATUTES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida legislature intends that local planning be a continuous and ongoing process; and

**WHEREAS**, an Town of Malabar has adopted the Malabar Comprehensive Plan in 1988; and

**WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

**WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

**WHEREAS**, the Malabar Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed the Evaluation and Appraisal Report, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the Town Council; and

**WHEREAS**, the Malabar Town Council has reviewed the Evaluation and Appraisal report, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

**Section 1.** The Town Council hereby adopts the Evaluation and Appraisal Report for the Malabar Comprehensive Plan, attached here as Exhibit "A".

**Section 2.** The Town Council does hereby state its intention to amend the Malabar Comprehensive Plan in accordance with the recommendations contained in the Evaluation and Appraisal Report.

**Section 3.** The Town Council does hereby approve transmittal of the Evaluation and Appraisal Report to the Department of Community Affairs for the purpose of a sufficiency review in accordance with Section 163.3191, Florida Statutes.

**Section 4.** All resolutions and parts of Resolutions in conflict herewith are repealed.

**Section 5.** This Resolution shall take effect immediately upon its passage.

This Resolution was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

|                                           |       |
|-------------------------------------------|-------|
| Council Member Nancy Borton               | _____ |
| Council Member Brian Vail                 | _____ |
| Council Member Charles (Chuck) McClelland | _____ |
| Council Member Jeffrey (Jeff) McKnight    | _____ |
| Council Member Patricia D. Dezman         | _____ |

This Resolution was then declared to be duly passed and adopted this 17<sup>th</sup> day of December, 2007.

By:

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Mayor Thomas M. Eschenberg  
Town of Malabar

Approved for Legal Sufficiency:

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Karl W. Bohne, Jr.  
Town Attorney  
ATTEST:

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Debby K. Franklin  
Town Clerk/Treasurer

(seal)