ORDINANCE NO. 2025-38

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, EXPANDING THE AUTHORITY OF THE CITY OF MELBOURNE AIRPORT AUTHORITY; MAKING FINDINGS; AMENDING CHAPTER 12 OF THE CITY CODE, ENTITLED "AVIATION;" AMENDING SECTION 12-142, AUTHORITY AND DUTIES; CREATING SECTION 12-148, ACQUISITION OF REAL PROPERTY; CREATING SECTION 12-149, DISPOSITION OF REAL PROPERTY; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, City Charter Sec. 3.25 adopts Ordinance No. 67-7 thereby creating the City of Melbourne Airport Authority; and

WHEREAS, Ordinance No. 67-7 constitutes and declares the airport authority to be a body corporate and grants to the airport authority, the jurisdiction, control, supervision and management over the airport; and

WHEREAS, Ordinance No. 67-7 recognizes the functions of the airport authority to manage airport operations, lease certain real property subject to airport-related restriction and work for and promote the industrial development of the airport; and

WHEREAS, Ordinance No. 67-7 does not provide for a metes and bounds description of the jurisdiction of the airport authority, and the real property within the jurisdiction of the airport authority is titled in the name of "City of Melbourne" but the boundaries of the jurisdiction of the airport authority are generally determined based upon historic review of deeds and council agenda items; and

WHEREAS, from time to time, the airport authority determines that additional lands would benefit airport operations, leasing and/or the development of the airport; and

WHEREAS, the city agrees to grant the authority to acquire real property titled in the name of "City of Melbourne Airport Authority" provided that city council agrees to expand the jurisdiction of the airport authority to include said real property; and

WHEREAS, from time to time, the airport authority determines that certain properties subject to airport-related restrictions would better serve the airport by sale of such properties; and

WHEREAS, upon such sale of property subject to federal restrictions of the FAA, the proceeds are restricted to use for airport purposes; and

WHEREAS, the city agrees to grant the authority to dispose of real property titled in the name of “City of Melbourne Airport Authority” provided that the property is removed from the jurisdiction of the airport authority and existing interests of the City of Melbourne are preserved; and

WHEREAS, this ordinance is intended to be interpreted and applied to allow for conveyance of title from “City of Melbourne” to “City of Melbourne Airport Authority”, subject to Sec. 12-148(1) as an acquisition by the airport authority and subject to Sec. 12-149(2) as a disposition by the city.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Chapter 12, Article V, Section 12-142 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

CHAPTER 12. AVIATION

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ARTICLE V. AIRPORT AUTHORITY

* * * *

Sec. 12-142. Authority and duties.

(a) The airport authority is hereby granted authority to sue and be sued, contract and be contracted with, have an official seal, and the authority is hereby constituted and declared to be a body corporate. The airport authority shall have jurisdiction, control, supervision and management over the Melbourne Orlando International Airport, subject to reservations hereinafter set forth, including the power to rent or lease portions of the airport, including the buildings and hangars thereon, the granting of concessions upon such terms and conditions as to it shall seem proper, employment of necessary personnel, including a director of aviation.

(b) The authority herein granted to the airport authority shall include, but not necessarily be limited to, the following functions:

(1) To take charge of and manage for the city all airport flight operations at the international airport.

(2) To negotiate for the city the leasing of the property and facilities of the international airport.

(3) To work for and promote the industrial development of the international airport.

(4) To acquire real property for airport purposes in accordance with sec. 12-148.

(5) To dispose of real property under the management of the airport authority in accordance with sec. 12-149.

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SECTION 2. That the City Code of Melbourne, Florida, is hereby amended by adding new sections to be numbered sections 12-148 and 12-149, which said sections shall read as follows:

Sec. 12-148. Acquisition of real property.

(a) Real property may be acquired in the name of "City of Melbourne Airport Authority" provided that the following requirements are met:

(1) The real property is obligated to be used either as aviation property or for the benefit of the airport;

(2) City council is provided a digital version of a boundary survey of the real property, including total acreage and legal description, signed and sealed by a state registered land surveyor;

(3) By resolution, city council approves the acquisition of the real property and approves the expansion of the jurisdiction of the "City of Melbourne Airport Authority" to the real property being acquired; and

(4) The terms of the conveyance must conform to the requirements of applicable local, state and federal laws.

(b) The airport authority is not authorized to acquire real property in the name of "City of Melbourne" absent the consent and agreement of the city council. Real property to be acquired for airport purposes in the name of "City of Melbourne" are subject to sec. 2-633 of this Code and the requirements of subsection (1) above.

Sec. 12-149. Disposition of real property.

(a) The airport authority may dispose of real property titled in the name of "City of Melbourne Airport Authority" provided that the following requirements are met:

(1) City council is provided a digital version of a boundary survey of the real property, including total acreage and legal description, signed and sealed by a state registered land surveyor.

(2) By resolution, city council approves the contraction of the jurisdiction of the "City of Melbourne Airport Authority" to remove the real property being disposed.

(3) The conveyance protects existing interests of the city as follows:

a. Public rights-of-way must be mapped and recorded in the public records of the county;

b. If the real property is serviced by city utilities (water, sewer and/or reclaimed water), appropriate utility easements in favor of the city must be provided to the city, subject to acceptance by the city;

c. If known city infrastructure is located on the property, appropriate easements in favor of the city must be provided to the city, subject to acceptance by the city;

d. If the property is developed, the new owner must execute a stormwater maintenance agreement, substantially in the form approved by the city attorney specifying the location, function, ownership, maintenance responsibility and access responsibilities for the stormwater management system consistent with chapter 50 of this Code, which agreement shall be recorded in the public records of the county concurrently with the deed of conveyance;

e. If the property is developed to include a private fire protection system, the new owner must execute a fire protection system agreement, substantially in a form approved by the city attorney specifying the location, function, ownership, maintenance responsibility and access responsibilities for the fire protection system consistent with provisions of the NFPA 24 and NFPA 25 standards, city water regulations and state permits, which agreement shall be recorded in the public records of the county concurrently with the deed of conveyance; and

f. Legal instruments to protect other existing interests as identified by the city.

(4) The conveyance is approved by resolution adopted by the city council. For a conveyance reflecting an estimated fair market value of the property in excess of $100,000.00, the resolution must be adopted at a public hearing proceeded by notice, which notice shall consist of an advertisement in a daily newspaper of

general circulation in the city and posting a copy of the advertisement upon the subject property and at city hall, all notice to be provided at least ten days prior to the public hearing. The conveyance of the property may not be divided for the purpose of evading the public hearing.

(5) The terms of the conveyance must conform to the requirements of applicable local, state and federal laws.

(b) The airport authority is not authorized to dispose of real property titled in the name of "City of Melbourne" absent the consent and agreement of the city council. Disposition of real property encumbered by airport-related restrictions and titled in the name of "City of Melbourne" is subject to sec. 2-645 of this Code and the requirements of subsection (1) above.

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SECTION 3. Severability/Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and stricken words indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. That this ordinance was passed on the first reading at a regular meeting of the City Council on the 12th day of August, 2025 and adopted on second/final reading at a regular meeting of the City Council on the 26th day of August, 2025.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

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