

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**IN RE: The City of Orlando, Florida (a Florida municipal corporation)**

**Creative Digital Village**

**68 acres of land within the City limits of Orlando, Florida generally located east of Parramore Avenue, south of Colonial Drive (S.R. 50), west of Hughey Avenue, and north of a CSX railroad**

**DEEDS Orlando Expanded**

**Brownfield Area Identification Number: BF480401000**

**Brownfield Site Identification Number: BF480401007**

**OGC Tracking Number - 14-0547**

**BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),  
Florida Statutes (F.S.)**

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, the Department of Environmental Protection ("Department") is the administrative agency of the State of Florida having the power and duty to protect Florida's environment and to administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the Department and the City of Orlando, Florida, a Florida municipal corporation, hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The Department and the PRFBSR agree to the following:

1. DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department is the agency of the State of Florida with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

The City of Orlando is the PRFBSR as defined in §376.79(13), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by the City of Orlando in Resolution Number 07111901 dated January 11, 2007 and Resolution Number 041011901 dated October 11, 2004 as a brownfield area as defined in §376.79(4), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the City resolution with all attachments including the map of the designated brownfield area. The brownfield site consists of approximately 68 acres.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action was, to the best of his or her knowledge, completed in substantial

conformance with the plans and specifications approved by the Department;

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
- (f) to allow access by the Department during the entire site rehabilitation process, as evidenced by the attached documentation (see **Attachment C**) incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the Department within 15 days from the date that such an interest is effective. With notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**.

#### 4. CERTIFICATION

The PRFBSR is the local government with jurisdiction over the real property described in **Attachment A**. Therefore, the PRFBSR certifies that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation provided that describes the proposed redevelopment is provided as **Attachment D**.

#### 5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the

performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the District Brownfield Coordinator and approved by the Department before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with Section 376.30781, F.S. , only costs incurred and paid that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of

contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances. "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law. General information about the VCTC Program is available at <http://www.dep.state.fl.us/waste/categories/vctc/default.htm>. For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8927.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA and a copy of the executed BSRA. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the Department or the local pollution control program for review, the PRFBSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, and contact numbers for all advisory committee members are included as **Attachment G**.

9. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work

under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. TERMINATION

If the PRFBSR fails to comply with this BSRA, the Department shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the Department for good cause shown. If an imminent hazard exists the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, the Department shall terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the Department.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in Orange County, Florida.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 6** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

**George Houston II, P.G., Brownfields Coordinator  
Florida Department of Environmental Protection  
Central District – Waste Cleanup Section  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803-0465**

The Department encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in Section 8 of the Instructions and attached as **Attachment H**. Time frames for the Department's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the attached schedule (see **Attachment B**), incorporated herein. After final Department approval of each report or plan, an electronic copy shall be submitted to the Department within 30 days. The electronic copy of the report shall be submitted on Compact Disc (CD) for archiving purposes in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if the Department fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so

at its own risk and may be required by the Department to complete additional work on a previous task.

17. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the Department and the local government with jurisdiction over the real property described in **Attachment A**. However, the Department shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this Agreement; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

18. WAIVER

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the Department's actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

19. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of the Department. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the brownfield site rehabilitation agreement. The procedures for petitioning a hearing are set forth below.

Persons other than the PRFBSR who are affected by this BSRA have the following options:

- (a) If you choose to accept the Department's decision regarding this BSRA, you do not have to do anything. This BSRA is final and effective 21 days after the date of execution.



(b) If you choose to challenge the Department's decision, you may do the following:

- (i) File a request for an extension of time to file a petition for hearing with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

**Or**

- (ii) File a petition for administrative hearing with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 within **21** days of receipt of this BSRA.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRFBSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material facts, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules of statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

## 20. JUDICIAL REVIEW

Except for the PRFBSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the

Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within **30** days after this BSRA is filed with the clerk of the Department (see below).

21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the Department's review of the BSRA, or technical questions should be directed to the Department's District Brownfields Coordinator at:

**George Houston II, P.G., Brownfields Coordinator  
Florida Department of Environmental Protection  
Central District – Waste Cleanup Section  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803-0465  
(407) 893-7555**

or to the PRFBSR's representative at:

**David J. Bass  
Assistant City Attorney – City of Orlando  
400 S. Orange Avenue, 3<sup>rd</sup> Floor  
Orlando, Florida 32801  
(407) 246-4373**

Questions regarding legal issues should be referred to the Department's Brownfields Program Attorney in the Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

22. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

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City of Orlando  
Brownfield Site Rehabilitation Agreement  
Brownfield Site ID # BF480401007

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Jeff Prather, Director – Central District, State of Florida Department of Environmental Protection, and the City of Orlando, the Person Responsible for Brownfield Site Rehabilitation, signing by and through Mayor Buddy Dyer, duly authorized to execute same.

PERSON RESPONSIBLE FOR  
BROWNFIELD SITE REHABILITATION

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
Buddy Dyer, Mayor of Orlando

By: \_\_\_\_\_  
Jeff Prather, Director  
Central District

Date: \_\_\_\_\_

Date: \_\_\_\_\_

400 S. Orange Avenue, 3<sup>rd</sup> Floor

Approved as to form and legality:

Orlando, Florida 32801

\_\_\_\_\_  
Lisa M. Duchene, FDEP Attorney

407-246-2221

FILING AND ACKNOWLEDGMENT FILED, on this date,  
pursuant to §120.52 Florida Statutes, with the designated  
Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk (or Deputy Clerk)

Date: \_\_\_\_\_

cc: Lisa M. Duchene, FDEP Brownfields Program Attorney  
Kim Walker, FDEP Brownfields Program Manager  
George Houston, FDEP Central District Brownfields Coordinator

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List of Attachments

Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Certification of Redevelopment Agreement
Attachment E	Contractor Certification Form
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents

## **ATTACHMENT A**

Local Government Resolution for the Brownfield Area and Map

THIS RESOLUTION PREPARED BY:

Kyle Shephard, Esq.  
Fla. Bar No. 0693960  
Assistant City Attorney  
City of Orlando, Florida  
Orlando City Hall  
400 S. Orange Ave.  
Orlando, Florida 32801  
(407) 246-2295

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF ORLANDO, FLORIDA, DESIGNATING CERTAIN  
LAND WITHIN THE JURISDICTIONAL BOUNDARIES OF  
THE CITY OF ORLANDO, FLORIDA, AND THE  
ORLANDO/ORANGE COUNTY ENTERPRISE ZONE AS  
THE ORLANDO ECONOMIC ENHANCEMENT DISTRICT  
AND AS A BROWNFIELD AREA PURSUANT TO THE  
STATE OF FLORIDA BROWNFIELDS  
REDEVELOPMENT ACT; DIRECTING CITY STAFF TO  
NOTIFY THE STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION OF SAID  
DESIGNATION; PROVIDING FOR SEVERABILITY AND  
AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
City Council of the City of Orlando, Florida, hereby finds and determines that the reduction of  
public health and environmental hazards on existing commercial and industrial sites is vital to  
their use and reuse as sources of employment, housing, recreation, and open space areas, and that  
the reuse of industrial land is an important component of sound land use policy for productive  
urban purposes which will help prevent the premature development of farmland, open space  
areas, and natural areas, and reduce public costs for installing new water, sewer, and highway  
infrastructure; and

City Council Meeting: 1-11-07  
Item: 71 Documentary: 07011701

37       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
38 City Council of the City of Orlando, Florida, hereby finds and determines that the abandonment  
39 or underuse of brownfield sites also results in the inefficient use of public facilities and services,  
40 as well as land and other natural resources, extends conditions of blight in local communities,  
41 and contributes to concerns about environmental equity and the distribution of environmental  
42 risks across population groups; and

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44       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
45 City Council of the City of Orlando, Florida, hereby finds and determines that incentives should  
46 be put in place to encourage responsible persons to voluntarily develop and implement cleanup  
47 plans without the use of taxpayer funds or the need for enforcement actions by state and local  
48 governments; and

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50       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
51 City Council of the City of Orlando, Florida, hereby finds and determines that environmental and  
52 public health hazards cannot be eliminated without clear, predictable remediation standards that  
53 provide for the protection of the environment and public health; and

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55       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
56 City Council of the City of Orlando, Florida, hereby finds and determines that site rehabilitation  
57 should be based on the actual risk that contamination may pose to the environment and public  
58 health, taking into account current and future land and water use and the degree to which  
59 contamination may spread and place the public or the environment at risk; and



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**WHEREAS**, the Legislature of the State of Florida has found and determined, and the City Council of the City of Orlando, Florida, hereby finds and determines that according to the statistical proximity study contained in the final report of the Environmental Equity and Justice Commission, minority and low-income communities are disproportionately impacted by targeted environmentally hazardous sites, and that results indicate the need for the health and risk exposure assessments of minority and poverty populations around environmentally hazardous sites, and that redevelopment of hazardous sites should address questions relating to environmental and health consequences; and

**WHEREAS**, the Legislature of the State of Florida has found and determined, and the City Council of the City of Orlando, Florida, hereby finds and determines that environmental justice considerations should be inherent in meaningful public participation elements of a brownfields redevelopment program; and

**WHEREAS**, the Legislature of the State of Florida has found and determined, and the City Council of the City of Orlando, Florida, hereby finds and determines that the existence of brownfields within a community may contribute to, or may be a symptom of, overall community decline, including issues of human disease and illness, crime, educational and employment opportunities, and infrastructure decay, and that the environment is an important element of quality of life in any community, along with economic opportunity, educational achievement, access to health care, housing quality and availability, provision of governmental services, and

82 other socioeconomic factors, and that brownfields redevelopment, properly done, can be a  
83 significant element in community revitalization; and  
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85 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
86 City Council of the City of Orlando, Florida, hereby finds and determines that cooperation  
87 among federal, state, and local agencies, local community development organizations, and  
88 current owners and prospective purchasers of brownfield sites is required to accomplish timely  
89 cleanup activities and the redevelopment or reuse of brownfield sites; and  
90

91 **WHEREAS**, the Legislature and Governor of the State of Florida have enacted the  
92 Brownfields Redevelopment Act, found at sections 376.77 through 376.85, Florida Statutes, for  
93 the purpose of designating and assisting with the remediation and redevelopment of brownfield  
94 sites and brownfield areas and in accordance with said Act the City Council of the City of  
95 Orlando, Florida, hereby finds and determines that the designation of certain land within the  
96 jurisdictional boundaries of the City of Orlando, Florida, as more particularly described herein, is  
97 in the best interest of the public health, safety, welfare, and morals; and  
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99 **WHEREAS**, having adhered to the procedures set forth in section 166.041, Florida  
100 Statutes, and having provided notice and opportunities to be heard in accordance with section  
101 376.80(1) and section 166.041(3)(c)2, Florida Statutes, and having satisfied all other  
102 requirements of law; and  
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104        **NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE**  
105 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**  
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107        **SECTION 1. DESIGNATION.** The area depicted in Exhibit "A", attached hereto and  
108 incorporated herein by this reference, and being coterminous with the boundaries of the  
109 Orlando/Orange County Enterprise Zone that exist within the jurisdictional boundaries of the  
110 City of Orlando, Florida, as such boundaries lie as of the date of adoption hereof, and less all  
111 exempt homesteads as described by section 196.031, Florida Statutes, and less any real property  
112 for which a property owner within the area depicted in Exhibit "A" requests in writing to have  
113 his or her property removed from the designation provided for herein, is hereby designated as the  
114 "Orlando Economic Enhancement District" and as a "Brownfield area" in accordance with the  
115 provisions of the State of Florida Brownfields Redevelopment Act, sections 376.77 through  
116 376.85, Florida Statutes.

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118        **SECTION 2. ORLANDO ECONOMIC ENHANCEMENT DISTRICT.** All real  
119 property within the jurisdictional boundaries of the City of Orlando, Florida, which has  
120 heretofore been designated as a "Brownfield area" by the City Council of the City of Orlando,  
121 Florida, in accordance with the provisions of the State of Florida Brownfields Redevelopment  
122 Act, sections 376.77 through 376.85, Florida Statutes, and also designated and referred to as the  
123 "Downtown Economic Enhancement District" shall be hereafter known and referred to as the  
124 "Orlando Economic Enhancement District."  
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126       **SECTION 3. NOTICE TO FDEP.** In accordance with section 376.80(1), Florida  
127 Statutes, City staff of the Business Development Division of the Economic Development  
128 Department is hereby authorized and directed to notify the State of Florida Department of  
129 Environmental Protection of this Council's decision to designate the "Brownfield area" as  
130 described herein, and shall include a true, accurate, and fully executed copy of this resolution  
131 with said notice.

132  
133       **SECTION 4. SEVERABILITY.** If any provision of this resolution or its application to  
134 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
135 applications of this ordinance which can be given effect without the invalid provision or  
136 application, and to this end the provisions of this ordinance are severable.

137  
138       **SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
139 final passage.

140  
141       **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in the  
142 City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 4th day of  
143 November, 2006.

144  
145       **DONE, THE FIRST READING AND PUBLIC HEARING,** by the City Council of  
146 the City of Orlando, Florida, at a regular meeting, this 11 day of  
147 November, 2006.

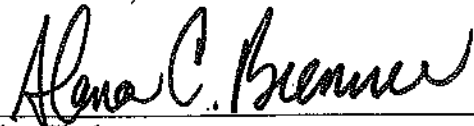
149 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in the  
150 City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 1 day of  
151 January, 2007.  
152

153 **DONE, THE SECOND READING AND PUBLIC HEARING, AND ADOPTED ON**  
154 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City Council  
155 of the City of Orlando, Florida, at a regular meeting, this 11 day of  
156 January, 2007.  
157

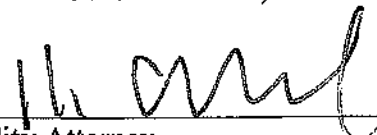
158 BY THE MAYOR/MAYOR PRO TEMPORE OF  
159 THE CITY OF ORLANDO, FLORIDA:  
160  
161

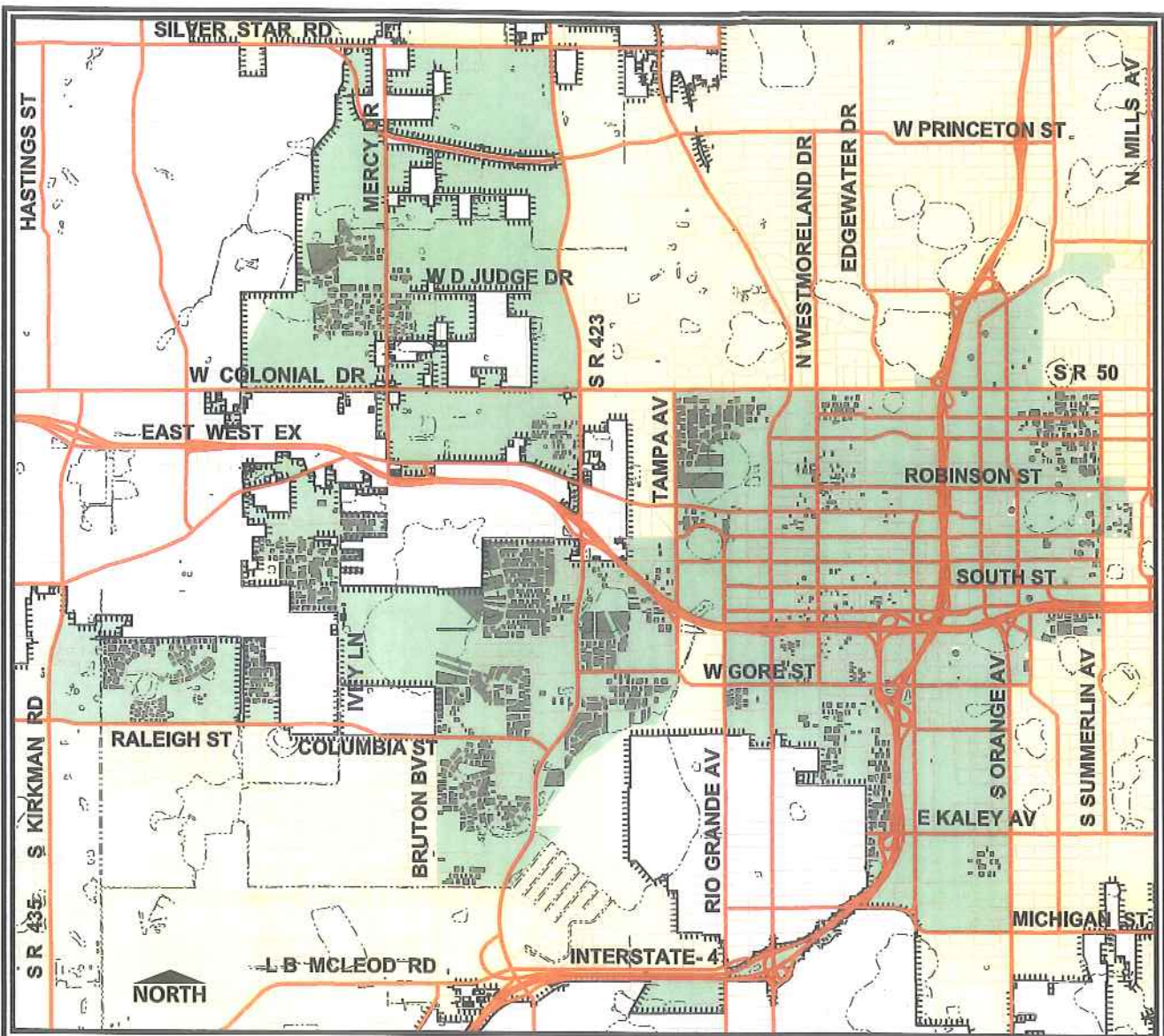
162   
163 Mayor / Mayor Pro Tempore  
164

165 ATTEST, BY THE CLERK OF THE  
166 CITY COUNCIL OF THE CITY OF  
167 ORLANDO, FLORIDA:  
168

169   
170 City Clerk  
171

172 APPROVED AS TO FORM AND LEGALITY  
173 FOR THE USE AND RELIANCE OF THE  
174 CITY OF ORLANDO, FLORIDA:  
175

176   
177 City Attorney  
178



## Orlando Economic Enhancement District, FS 376

-  Program Area
-  Homestead Property

-  City of Orlando Jurisdiction

City of Orlando, Economic Development Department, February 2007



# CITY OF ORLANDO

## CERTIFICATION

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, Alana C. Brenner, Orlando City Clerk, hereby certify that the attached is a true and correct copy of a Resolution of the City Council of the City of Orlando, Florida, designating the area described in Exhibit "A" as included within the Downtown Economic Enhancement District in Orlando, Florida, and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, and economic development.

Said document was approved on October 11, 2004, by the Orlando City Council and filed Documentary # 041011901.

Given under my hand and the corporate seal of the City of Orlando, Florida, affixed this 20<sup>th</sup> day of OCTOBER, 2004.

Alana C. Brenner  
City Clerk

RECEIVED

OCT 25 2004

Central Dist. - DEP

---

### OFFICE OF CITY CLERK

CITY HALL ■ 400 SOUTH ORANGE AVENUE ■ 2ND FLOOR ■ P.O. BOX 4990 ■ ORLANDO, FLORIDA 32801-4990  
PHONE 246-2251 • FAX 246-3613 • <http://www.ci.orlando.fl.us>

**A RESOLUTION CONCERNING THE  
DOWNTOWN ECONOMIC ENHANCEMENT DISTRICT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING THE AREA DESCRIBED IN EXHIBIT "A" AS INCLUDED WITHIN THE DOWNTOWN ECONOMIC ENHANCEMENT DISTRICT IN ORLANDO, FLORIDA, AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

WHEREAS, the State of Florida has provided in Ch. 97-277, Laws of Florida, codified as Sections 376.77 - 376.85, Florida Statutes, as amended, for the designation by resolution of certain lands as a "Brownfield Area", and for the corresponding provision of environmental remediation, rehabilitation, and economic development for such areas; and

WHEREAS, the City of Orlando wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for remediation, rehabilitation, and economic development for the purposes set forth in Sections 376.77 - 376.85, Florida Statutes, as amended; and

City Council Meeting: 10-11-04  
Item: 9-1 Documentary: 041011901



WHEREAS, the City of Orlando has followed the procedures set forth in Section 166.041, Florida Statutes (2003), including notice and hearing in accordance with Sections 376.80(1) and 166.041(3)(c)2, Florida Statutes (2003).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, that the recitals and findings set forth in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

BE IT FURTHER RESOLVED that the area described in Exhibit "A", attached hereto and incorporated herein by reference, is hereby designated as included within the Downtown Economic Enhancement District in Orlando, Florida, and as a Brownfield Area for environmental remediation, rehabilitation, and economic development as set forth in Sections 376.77 – 376.85, Florida Statutes (2003), under the following terms and conditions:

- a. The City of Orlando shall designate at a later time the entity or entities responsible for the remediation and rehabilitation of the Brownfield Area, or certain portions thereof, pursuant to Section 376.80(3), Florida Statutes. The designation of a responsible entity shall not render the City of Orlando responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are defined in Sections 376.77 – 376.85, Florida Statutes, unless the City of Orlando specifically designates itself as a responsible person pursuant to Section 376.80(3), Florida Statutes.
- b. The designation of the Brownfield Area by this Resolution does not, by itself, render the City of Orlando responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal,

as those terms are defined in Sections 376.77 – 376.85, Florida Statutes, unless the City of Orlando specifically designates itself as a responsible person pursuant to Section 376.80(3), Florida Statutes (2003).

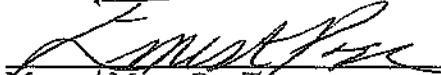
- c. Nothing in this Resolution shall be deemed to prohibit, limit, or amend the authority and power of the City of Orlando, otherwise legally available, to designate any other property or properties as a Brownfield Site or Brownfield Area, or to modify, amend, or withdraw the designation as established herein.

BE IT FURTHER RESOLVED that in accordance with Section 376.80(1), Florida Statutes (2003), the City Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the City of Orlando's decision to designate this Brownfield Area for the purposes of remediation, rehabilitation, and economic development.


BE IT FURTHER RESOLVED that this Resolution shall take effect upon passage.

DONE AND RESOLVED in regular session this 11<sup>th</sup> day of October, 2004.

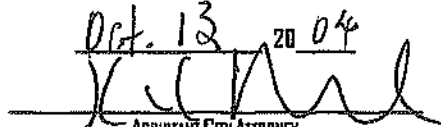
CITY OF ORLANDO, FLORIDA

  
\_\_\_\_\_  
Mayor / Mayor Pro Tem

ATTEST

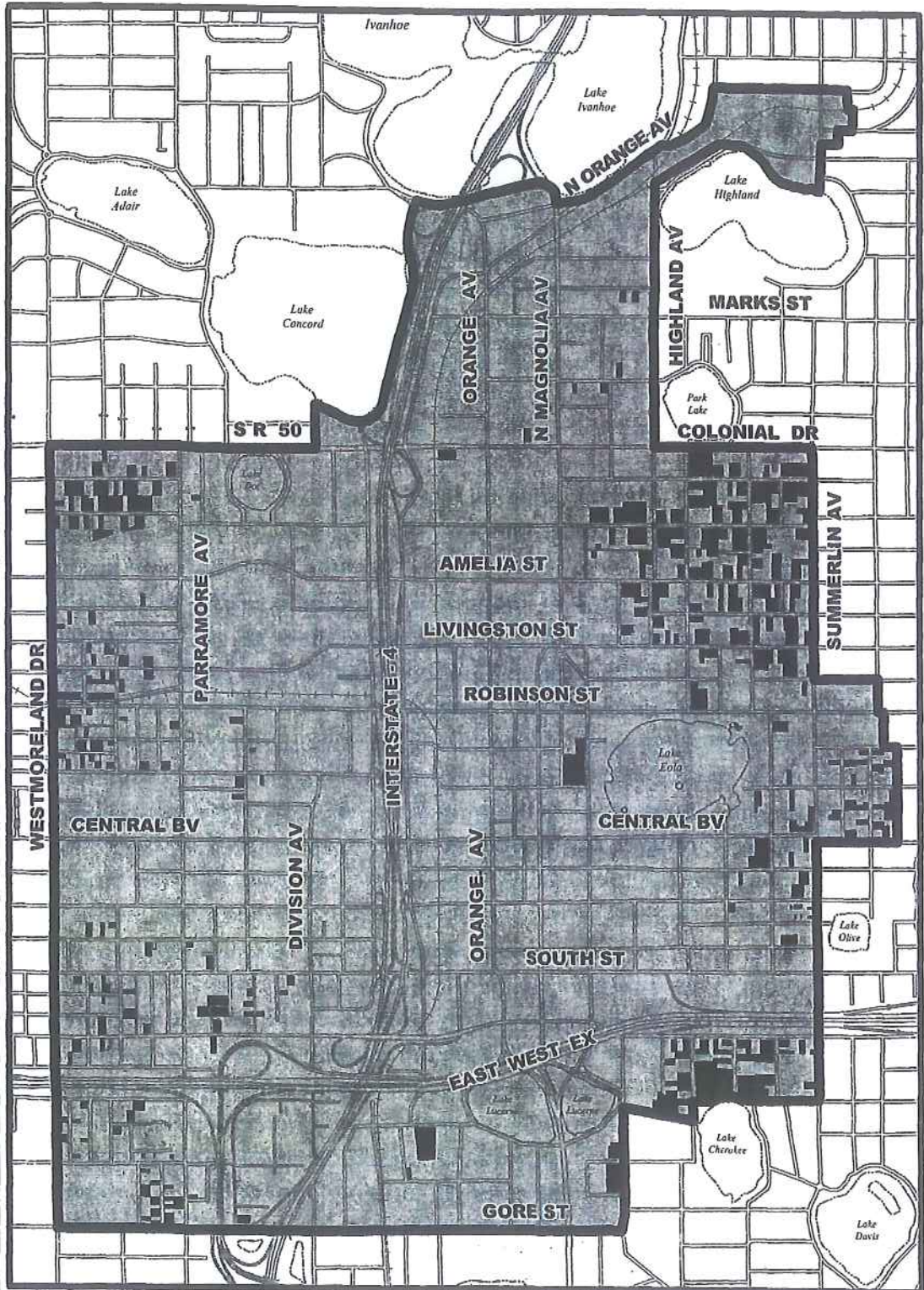
  
\_\_\_\_\_  
Alana Brenner  
City Clerk

[SEAL]

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA
<u>Oct. 13</u> 20 <u>04</u>
 ASSISTANT CITY ATTORNEY
<u>Kyle Shephard</u> PRINT NAME

NORTH

# Downtown Economic Enhancement District, FS 376



## LEGEND



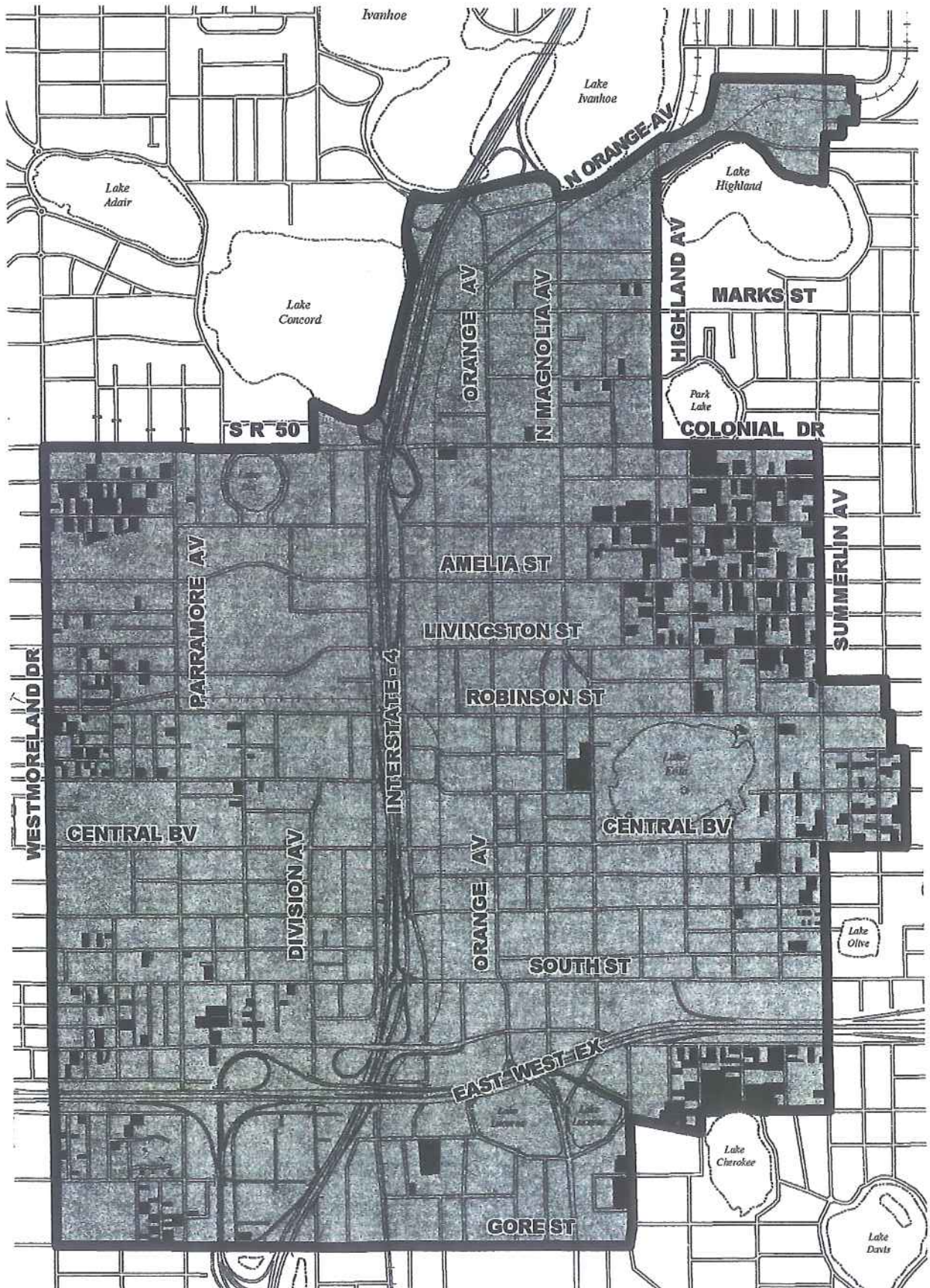
Proposed DEED Program Area



Excluded Properties

City of Orlando  
Economic Development Department  
September 2004





**ATTACHMENT A (continued)**

Legal Description and Sketch of the Brownfield Area 480401008





# VERIFIED LEGAL DESCRIPTION FORM

## MUNICIPAL PLANNING BOARD

The following legal description has been prepared by ENG/REC 8<sup>th</sup> Floor City Hall and submitted to the City Planning Bureau for verification.

Signature \_\_\_\_\_

29-Sep-11

Date

**BROWNFIELD AREA  
BF 480401007**

This description has been  
reviewed by the Bureau of  
Engineering and is acceptable  
based on a comparison with:

RECORD PLATS, OR. CO.  
P.A. RECORDS AND  
MAP INFO REGION FOR AREA.  
By [Signature] Date 9-29-2011

Application Request (Office Use Only):

File No. ZON2011-00016

CREATIVE VILLAGE PD - Located west of Hughey Ave, east of Parramore Ave, south of Colonial Dr and north of Robinson St.

Legal Description Including Acreage (To be Typed By Applicant):

**BEGIN** AT THE SOUTHWEST CORNER OF LOT 1, BOB CARR PERFORMING ARTS CENTER, AS RECORDED IN PLAT BOOK 33, PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°28'53"W, ALONG THE WEST LINE OF SAID PLAT, FOR A DISTANCE OF 435.37 FEET; THENCE S89°29'55"W FOR A DISTANCE OF 6.00 FEET; THENCE N00°29'11"W FOR A DISTANCE OF 263.93 FEET; THENCE S89°29'55"W FOR A DISTANCE OF 451.31 FEET; THENCE S00°28'29"E, ALONG THE EAST RIGHT-OF-WAY LINE OF PARRAMORE AVENUE, FOR A DISTANCE OF 778.05 FEET; THENCE S89°43'06"E FOR A DISTANCE OF 457.46 FEET; THENCE N00°28'53"W FOR A DISTANCE OF 85.00 FEET TO THE **POINT OF BEGINNING**.

**TOGETHER WITH:** LOT 1, ORLANDO ARENA PLAT NO. ONE, AS RECORDED IN PLAT BOOK 23, PAGE 6, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**TOGETHER WITH:** LOT 1, BOB CARR PERFORMING ARTS CENTER, AS RECORDED IN PLAT BOOK 33, PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**TOGETHER WITH:** LOT 1, EXPO CENTRE ADDITION, AS RECORDED IN PLAT BOOK 48, PAGE 34, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**TOGETHER WITH:** LOT 8, BLOCK "K", CONCORD PARK ADDITION TO ORLANDO, AS RECORDED IN PLAT BOOK "D", PAGE 66, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**TOGETHER WITH:** LOTS 1 THROUGH 12, F.A. PEPPERCORN'S REPLAT, AS RECORDED IN PLAT BOOK "G", PAGE 49 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA **AND** LOTS 3 AND 4, BLOCK "D", C.G. CHAMBERLAIN'S SUBDIVISION, AS RECORDED IN PLAT BOOK "D", PAGE 119, PUBLIC RECORDS OF

ORANGE COUNTY, FLORIDA **AND** LOTS 1 THROUGH 10, L.H. BULLIS REPLAT, AS RECORDED IN PLAT BOOK "F", PAGE 133, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA **AND** THE VACATED RIGHT-OF-WAYS OF LEXINGTON STREET AND THE UN-NAMED ALLEY SHOWN ON SAID PLAT. ALL OF THE AFORESAID BEING BOUNDED BY SOUTH RIGHT-OF-WAY LINE OF W AMELIA STREET ON THE NORTH, THE WEST RIGHT-OF-WAY LINE OF N HUGHEY AVENUE ON THE EAST, THE NORTH RIGHT-OF-WAY LINE OF ALEXANDER PLACE ON THE SOUTH AND THE EAST RIGHT-OF-WAY LINE OF REVERE AVENUE ON THE WEST.

**TOGETHER WITH:** LOTS 1 THROUGH 16, BLOCK "H", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "D", PAGE 124, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA **AND** LOTS 2 THROUGH 9, BLOCK "G", CONCORD PARK ADDITION TO ORLANDO, AS RECORDED IN PLAT BOOK "D", PAGE 66, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA **AND** LOTS 1 THROUGH 16, E.F. SPERRY'S RE SUBDIVISION OF VANS AGNEW & STEWART'S, AS RECORDED IN PLAT BOOK "F", PAGE 52 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA **AND** THE VACATED PORTION(S) OF PUTNAM AVENUE AND TRENTON AVENUE, SAID VACATED PORTIONS BEING BOUNDED BY THE SOUTH RIGHT-OF-WAY LINE OF W CONCORD STREET ON THE NORTH AND THE NORTH RIGHT-OF-WAY LINE OF W AMELIA STREET ON THE SOUTH.

**TOGETHER WITH:** THE UNPLATTED LANDS LYING SOUTH OF W LIVINGSTON STREET, EAST OF N PARRAMORE AVENUE, WEST OF LOT 1, CENTROPLEX, AS RECORDED IN PLAT BOOK 14, PAGE 92, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND NORTH OF LOTS 12 AND 13, T. O. & A. RY COMPANY'S ADDITION TO ORLANDO, AS RECORDED PLAT BOOK "C", PAGE 99, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

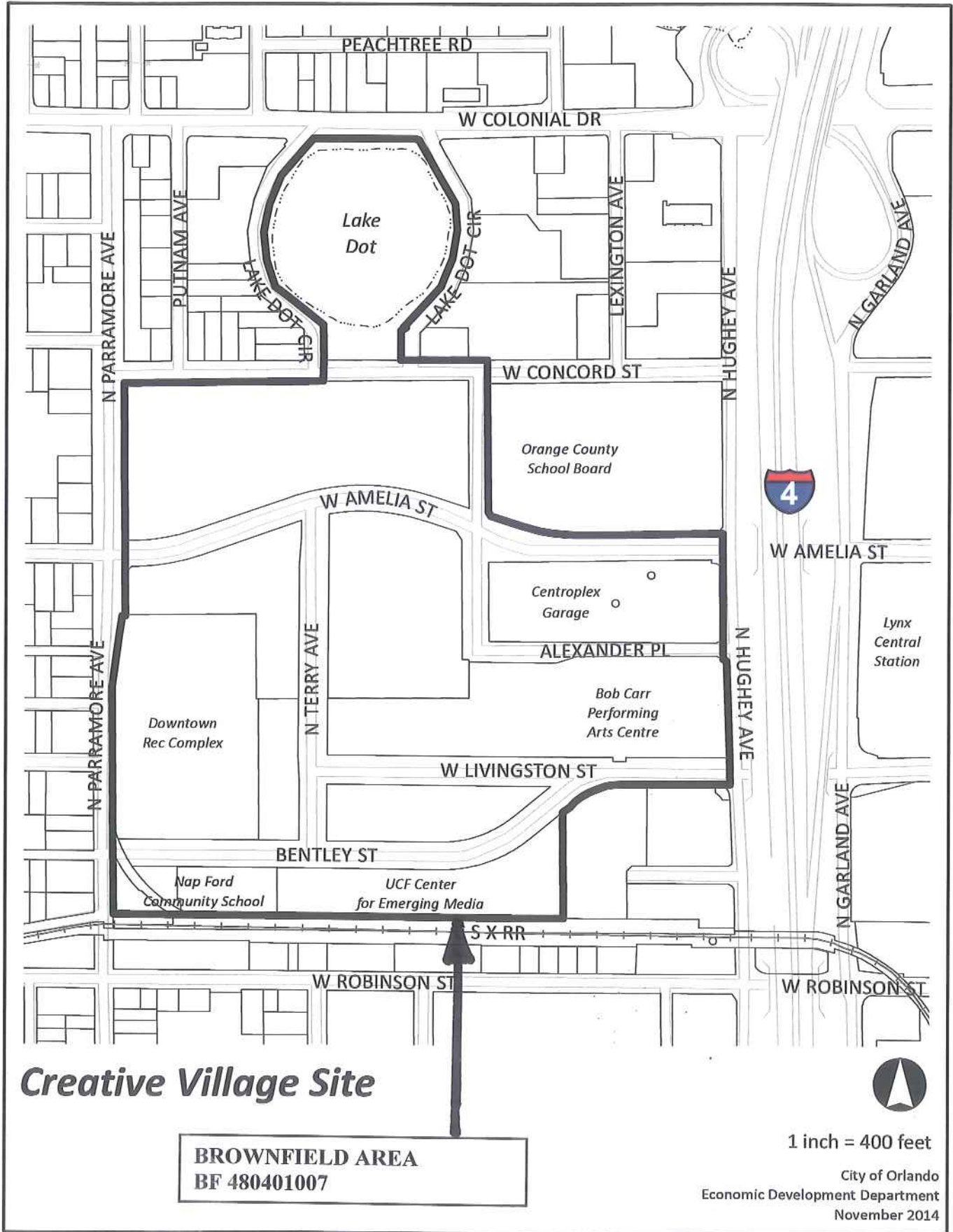
**TOGETHER WITH:** THE BODY OF LAKE DOT AND THE MARGINS THEREOF EXTENDING FROM THE WATER TO THE DRIVEWAY ON THE EAST AND THE WEST **AND** ALSO THAT PART LYING BETWEEN THE SOUTH SHORELINE OF LAKE DOT AND THE NORTH RIGHT-OF-WAY LINE OF W CONCORD STREET, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF THE EASTERN PORTION OF LAKE DOT CIRCLE AND ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF THE WESTERN PORTION OF LAKE DOT CIRCLE **AND** THE PORTION OF MARGIN ON THE NORTH LYING BETWEEN THE NORTH SHORELINE OF LAKE DOT AND THE SOUTH RIGHT-OF-WAY LINE OF W COLONIAL DRIVE (SWEET STREET) **AND** A PART OF THE EASTERN PORTION OF THE LAKE DOT CIRCLE BOUNDED BY THE NORTH RIGHT-OF-WAY LINE OF W CONCORD STREET ON THE SOUTH AND THE WESTERN PROLONGATION OF THE NORTH LINE OF LOT 8, BLOCK "K", CONCORD PARK ADDITION TO ORLANDO, AS RECORDED IN PLAT BOOK "D", PAGE 66, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ON THE NORTH.

**TOGETHER WITH:** THE RIGHT-OF-WAYS FOR W AMELIA STREET AND W LIVINGSTON STREET LOCATED BETWEEN THE WEST RIGHT-OF-WAY LINE OF N HUGHEY AVENUE ON THE EAST AND THE EAST RIGHT-OF-WAY LINE OF N PARRAMORE AVENUE ON THE WEST **AND** THE RIGHT-OF-WAY FOR ALEXANDER PLACE LOCATED BETWEEN THE WEST RIGHT-OF-WAY LINE OF N HUGHEY AVENUE ON THE EAST AND REVERE AVENUE ON THE WEST **AND** THE RIGHT-OF-WAY FOR REVERE AVENUE LOCATED BETWEEN ALEXANDER PLACE ON THE SOUTH AND THE SOUTH RIGHT-OF-WAY LINE OF W CONCORD STREET ON THE NORTH **AND** THAT PORTION (510 LINEAR FEET, MORE OR LESS) OF W CONCORD STREET LOCATED BETWEEN THE SOUTHERN PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF THE WESTERN PORTION OF LAKE DOT CIRCLE ON THE WEST AND THE NORTHERN PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF REVERE AVENUE ON THE EAST.

**LESS:** ANY AND ALL PARTS OF THE FOLLOWING RIGHT-OF-WAYS: W COLONIAL DRIVE (SR 50) ON THE NORTH, N PARRAMORE AVENUE ON THE WEST AND N HUGHEY AVENUE ON THE EAST

CONTAINING 68 ACRES, MORE OR LESS. (MapInfo Region for area)

# EXHIBIT A





## **ATTACHMENT B**

### **Brownfield Site Rehabilitation Schedule**

**Attachment B**  
**Table I**  
**Brownfield Site Rehabilitation Schedule**

Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.500).	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.500, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(15), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.

## **ATTACHMENT C**

### **Site Access Agreement**

**SITE ACCESS AGREEMENT  
PERMISSION TO ENTER PROPERTY  
BROWNFIELDS REDEVELOPMENT PROGRAM  
BROWNFIELD AREA BF 480401007**

1. The **City of Orlando**, the real property owner ("undersigned" or "owner"), hereby grants permission to the State of Florida, Department of Environmental Protection ("Department") and its agents and subcontractors to enter the undersigned's property ("the property") located east of Parramore Avenue, south of Colonial Drive (S.R. 50), west of Hughey Avenue, and north of a CSX railroad, as described in **Attachment A** attached to the BSRA, for the brownfield site assigned the Brownfield Site Identification Number **BF480401007**, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the Department or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents, representatives or subcontractors:
  - a. Having access to areas where contamination may exist.
  - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
  - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the Department will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned's successors and assigns for any contamination discovered on the property.
5. The Department, its agents, representatives or subcontractors may enter the property during normal business hours and may also make special arrangements to enter the property at other times after agreement from the undersigned.
6. The Department acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner's operations, or the remediation and redevelopment activities pursuant to the BSRA.

\_\_\_\_\_  
Laurie Botts, Real Estate Manager

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Accepted by the Department by the following authorized agent:

\_\_\_\_\_  
Signature of Department representative

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

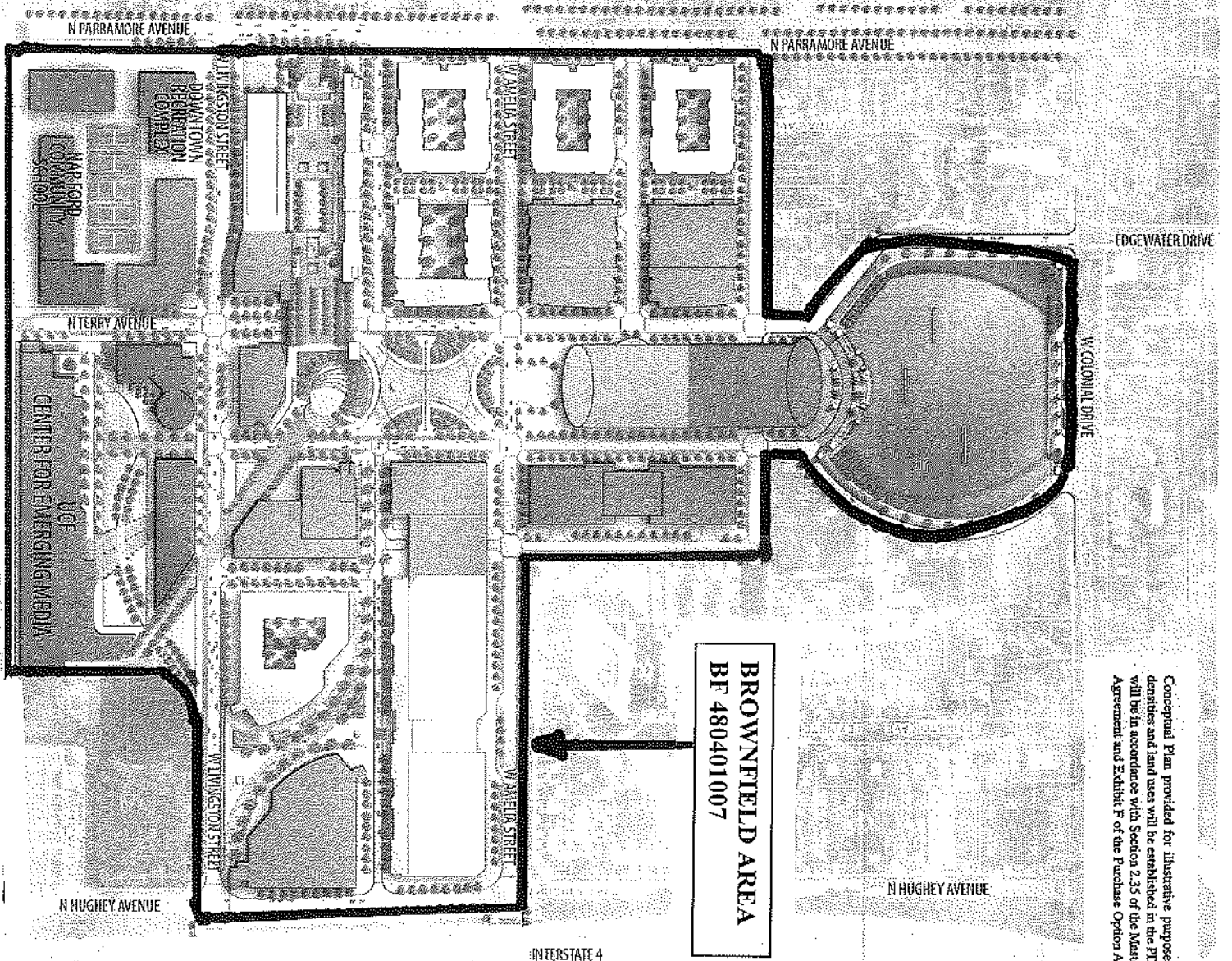
**ATTACHMENT D**

Certification of Redevelopment Agreement

The PRFBSR, the City of Orlando, is the current owner of the Creative Village property (i.e. the property subject to this BSRA) and is also the governmental entity that has jurisdiction over the property with respect to future development. Attached is a preliminary plan showing the proposed development of the Creative Village property.

# CONCEPTUAL PLAN

# CREATIVE VILLAGE



Conceptual Plan provided for illustrative purposes only. Specific densities and land uses will be established in the PD Ordinance and will be in accordance with Section 2.35 of the Master Development Agreement and Exhibit F of the Purchase Option Agreement.

**BROWNFIELD AREA**  
BF 480401007

## LEGEND

- EDUCATION USE
- FLEX-USE (TBD)
- OFFICE USE
- RESIDENTIAL USE
- HOTEL USE
- FLEX-USE (TBD)
- RESIDENTIAL (MIXED)
- LMX CENTRAL STATION

LMX  
CENTRAL  
STATION

CETRUDE'S WALK





**ATTACHMENT E**

**Contractor Certification Form**



FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

CONTRACTOR CERTIFICATION FORM  
Brownfields Redevelopment Program

Contractor Name Environmental Consulting & Technology, Inc. Date: November 18, 2014

Contractor Address: 3660 Maguire Blvd., Suite 107, Orlando, FL 32803

Contact Name: Jeffrey Peters, P.G.

Phone No.: 407-903-0005 Fax No.: 407-903-0030

Brownfield Site ID #: BF-~~4804008~~ 480401007

Contractor Certifies by Checking All Appropriate Boxes:

- |   | Yes                                 | No                       |
|---|-------------------------------------|--------------------------|
| 1. It meets all certification and license requirements imposed by law.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. It complies with all applicable OSHA regulations.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), F.S.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Sections 376.80(6) and (7), Florida Statutes (F.S.)]:

Marc A. Lefebvre Marc A. Lefebvre  
Signature of Officer of the Company and Date Signed Print Name of Officer of the Company  
Vice President  
Title of Officer of the Company

This form will be kept on file by the FDEP District office. Contractors must immediately notify the FDEP (Brownfields District Coordinator) of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification. Please return this form to the appropriate District Brownfields Coordinator.

**ATTACHMENT F**

Quality Assurance Certificate



State of Florida

Department of Health, Bureau of Public Health Laboratories  
This is to certify that

E83484

SOUTHERN RESEARCH LABORATORIES, INC.

2251 LYNX LANE, SUITE 1

ORLANDO, FL 32804

has complied with Florida Administrative Code 64E-1,  
for the examination of environmental samples in the following categories

NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS -  
EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

**Date Issued: July 01, 2014    Expiration Date: June 30, 2015**



William H. Anderson, DHA, FACHE, Director  
Division of Emergency Preparedness and Community Support  
DH Form 1697, 7/04

NON-TRANSFERABLE E83484-22-07/01/2014  
Supersedes all previously issued certificates



## **ATTACHMENT G**

### **Advisory Committee Members**

## **BROWNFIELD ADVISORY COMMITTEE MEMBERS\***

### **Dean Grandin**

City of Orlando Planning Division Manager  
400 S. Orange Avenue  
Orlando, Florida 32801  
(407) 246-2120

### **Thomas Chatmon**

Executive Director  
City of Orlando Downtown Development Board/Community Redevelopment Agency  
400 S. Orange Avenue  
Orlando, Florida 32801  
(407) 246-3361

### **Walter Hawkins**

City of Orlando Director of Urban Development  
400 S. Orange Avenue  
Orlando, Florida 32801  
(407) 246-3190

### **Kevin Edmonds\*\***

Deputy Chief Administrative Officer  
400 S. Orange Avenue  
Orlando, Florida 32801  
(407) 246-4127

\*The members of this Advisory Committee are the members of the Standing Advisory Committee approved by the City Council of the City of Orlando in 2007.

\*\*Mr. Edmonds, current Deputy Chief Administrative Officer (CAO), has replaced the previous Deputy CAO (Ms. Marsha Segal-George) on the Committee.

## **ATTACHMENT H**

Format for Submittal of Technical Documents

## **FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS**

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. In an effort to increase efficiency, responsiveness, and to enhance environmental protection, electronic records are an acceptable media substitute for hard copy and shall be pursued as the first option of choice to arrive at compliance. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the "naming convention".
  - (a) Final reports (any text files) must be in one of the approved formats.
  - (b) Site maps and surveys shall be in TIFF, JPEG or ".pdf" format.
  - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
  - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
  - (e) The left inside cover of the media should list all the files located on the media.