

1 THIS RESOLUTION PREPARED BY:

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7 Orlando City Hall

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9 Orlando, Florida 32801

10 (407) 246-2295

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14 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY**
15 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
16 **LAND GENERALLY LOCATED THE SOUTH SIDE OF**
17 **HOFFNER AVENUE, EAST OF CONWAY ROAD, AND**
18 **WEST OF STATE ROAD 436, COMPRISED OF**
19 **APPROXIMATELY 13.029 ACRES, AS AN ORLANDO**
20 **ECONOMIC ENHANCEMENT DISTRICT AND AS A**
21 **BROWNFIELD AREA PURSUANT TO THE STATE OF**
22 **FLORIDA BROWNFIELDS REDEVELOPMENT ACT;**
23 **DIRECTING CITY STAFF TO NOTIFY THE STATE OF**
24 **FLORIDA DEPARTMENT OF ENVIRONMENTAL**
25 **PROTECTION OF SAID DESIGNATION; PROVIDING**
26 **FOR SEVERABILITY AND AN EFFECTIVE DATE.**
27

28 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the
29 City Council of the City of Orlando, Florida, hereby finds and determines that the reduction of
30 public health and environmental hazards on existing commercial and industrial sites is vital to
31 their use and reuse as sources of employment, housing, recreation, and open space areas, and that
32 the reuse of industrial land is an important component of sound land use policy for productive
33 urban purposes which will help prevent the premature development of farmland, open space
34 areas, and natural areas, and reduce public costs for installing new water, sewer, and highway
35 infrastructure; and
36

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
43

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
49

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
54

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

60
61 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the
62 City Council of the City of Orlando, Florida, hereby finds and determines that according to the
63 statistical proximity study contained in the final report of the Environmental Equity and Justice
64 Commission, minority and low-income communities are disproportionately impacted by targeted
65 environmentally hazardous sites, and that results indicate the need for the health and risk
66 exposure assessments of minority and poverty populations around environmentally hazardous
67 sites, and that redevelopment of hazardous sites should address questions relating to
68 environmental and health consequences; and
69

70 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the
71 City Council of the City of Orlando, Florida, hereby finds and determines that environmental
72 justice considerations should be inherent in meaningful public participation elements of a
73 brownfields redevelopment program; and
74

75 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the
76 City Council of the City of Orlando, Florida, hereby finds and determines that the existence of
77 brownfields within a community may contribute to, or may be a symptom of, overall community
78 decline, including issues of human disease and illness, crime, educational and employment
79 opportunities, and infrastructure decay, and that the environment is an important element of
80 quality of life in any community, along with economic opportunity, educational achievement,
81 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
84

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 (the “Act”), found at sections 376.77 through 376.86, Florida
93 Statutes, for the purpose of designating and assisting with the remediation and redevelopment of
94 brownfield sites and brownfield areas and in accordance with said Act the City Council of the
95 City of Orlando, Florida, hereby finds and determines that the designation of certain land within
96 the jurisdictional boundaries of the City of Orlando, Florida, as more particularly described
97 herein, is in the best interest of the public health, safety, welfare, and morals; and
98

99 **WHEREAS**, the City Council of the City of Orlando, Florida, hereby finds and
100 determines that the redevelopment of the area described herein may be complicated by actual
101 environmental contamination; and
102

103 **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,
104 hereby finds and determines that the area described herein warrants economic development and
105 has a reasonable potential for such activities; and
106

107 **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,
108 hereby finds and determines that the area described herein represents a reasonably focused
109 approach and is not overly large in geographic coverage; and
110

111 **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,
112 has considered and hereby finds and determines that the area described herein has potential to
113 interest the private sector in participating in rehabilitation and that the area does not contain sites,
114 or parts thereof, suitable for limited recreational open space, cultural, or historical preservation
115 purposes; and
116

117 **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,
118 hereby finds and determines that Orlando City Hall is a location reasonably proximate to the area
119 described herein and provides a fair and convenient venue for public input; and
120

121 **WHEREAS**, having adhered to the procedures set forth in section 166.041, Florida
122 Statutes, and having provided notice and opportunities to be heard in accordance with section
123 376.80(1), 376.80(2)(a), and section 166.041(3)(c)2, Florida Statutes, and having satisfied all
124 other requirements of law;
125

126 **NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE**
127 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**

128
129 **SECTION 1. DESIGNATION.** The area depicted in Exhibit “A”, attached hereto and
130 incorporated herein by this reference, is hereby designated as an “Orlando Economic
131 Enhancement District” and as a “Brownfield area” in accordance with the provisions of the State
132 of Florida Brownfields Redevelopment Act, sections 376.77 through 376.86, Florida Statutes.

133
134 **SECTION 2. NOTICE TO FDEP.** In accordance with section 376.80(1), Florida
135 Statutes, City staff of the Business Development Division of the Economic Development
136 Department is hereby authorized and directed to notify the State of Florida Department of
137 Environmental Protection of this Council’s decision to designate the “Brownfield area” as
138 described herein, and shall include a true, accurate, and fully executed copy of this resolution
139 with said notice.

140
141 **SECTION 3. SEVERABILITY.** If any provision of this resolution or its application to
142 any person or circumstance is held invalid, the invalidity does not affect other provisions or
143 applications of this ordinance which can be given effect without the invalid provision or
144 application, and to this end the provisions of this ordinance are severable.

145
146 **SECTION 4. EFFECTIVE DATE.** This resolution shall take effect immediately upon
147 final passage.

148

DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2014.

DONE, THE FIRST READING AND PUBLIC HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2014.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

177 APPROVED AS TO FORM AND LEGALITY
178 FOR THE USE AND RELIANCE OF THE
179 CITY OF ORLANDO, FLORIDA:
180

181
182

Assistant City Attorney

183 **[Remainder of page intentionally left blank.]**

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