

1 THIS RESOLUTION PREPARED BY:

2  
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7 Orlando City Hall

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14 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY**  
15 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**  
16 **LAND GENERALLY LOCATED EAST OF NORTH**  
17 **FERNCREEK AVENUE, AND NORTH OF STATE ROAD 50**  
18 **(EAST COLONIAL DRIVE), COMPRISED OF**  
19 **APPROXIMATELY 0.57 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  
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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.

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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 \_\_\_\_\_, 2015.

**DONE, THE FIRST READING AND PUBLIC HEARING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**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 \_\_\_\_\_, 2015.

**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 \_\_\_\_\_, 2015.

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:  
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182 

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Assistant City Attorney

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

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