

1 THIS RESOLUTION PREPARED BY:

2  
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6 City of Orlando, Florida

7 Orlando City Hall

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9 Orlando, Florida 32801

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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 ORANGE**  
17 **AVENUE, AND SOUTH OF ANNIE STREET, COMPRISED**  
18 **OF APPROXIMATELY 0.35 ACRES, AS AN ORLANDO**  
19 **ECONOMIC ENHANCEMENT DISTRICT AND AS A**  
20 **BROWNFIELD AREA PURSUANT TO THE STATE OF**  
21 **FLORIDA BROWNFIELDS REDEVELOPMENT ACT;**  
22 **DIRECTING CITY STAFF TO NOTIFY THE STATE OF**  
23 **FLORIDA DEPARTMENT OF ENVIRONMENTAL**  
24 **PROTECTION OF SAID DESIGNATION; PROVIDING**  
25 **FOR SEVERABILITY AND AN EFFECTIVE DATE.**  
26

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

36 **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
37 City Council of the City of Orlando, Florida, hereby finds and determines that the abandonment

38 or underuse of brownfield sites also results in the inefficient use of public facilities and services,  
39 as well as land and other natural resources, extends conditions of blight in local communities,  
40 and contributes to concerns about environmental equity and the distribution of environmental  
41 risks across population groups; and  
42

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

49       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
50 City Council of the City of Orlando, Florida, hereby finds and determines that environmental and  
51 public health hazards cannot be eliminated without clear, predictable remediation standards that  
52 provide for the protection of the environment and public health; and  
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54       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
55 City Council of the City of Orlando, Florida, hereby finds and determines that site rehabilitation  
56 should be based on the actual risk that contamination may pose to the environment and public  
57 health, taking into account current and future land and water use and the degree to which  
58 contamination may spread and place the public or the environment at risk; and  
59

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

68  
69           **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
70 City Council of the City of Orlando, Florida, hereby finds and determines that environmental  
71 justice considerations should be inherent in meaningful public participation elements of a  
72 brownfields redevelopment program; and

73  
74           **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
75 City Council of the City of Orlando, Florida, hereby finds and determines that the existence of  
76 brownfields within a community may contribute to, or may be a symptom of, overall community  
77 decline, including issues of human disease and illness, crime, educational and employment  
78 opportunities, and infrastructure decay, and that the environment is an important element of  
79 quality of life in any community, along with economic opportunity, educational achievement,  
80 access to health care, housing quality and availability, provision of governmental services, and  
81 other socioeconomic factors, and that brownfields redevelopment, properly done, can be a  
82 significant element in community revitalization; and

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84       **WHEREAS**, the Legislature of the State of Florida has found and determined, and the  
85 City Council of the City of Orlando, Florida, hereby finds and determines that cooperation  
86 among federal, state, and local agencies, local community development organizations, and  
87 current owners and prospective purchasers of brownfield sites is required to accomplish timely  
88 cleanup activities and the redevelopment or reuse of brownfield sites; and  
89

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

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

102       **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,  
103 hereby finds and determines that the area described herein warrants economic development and  
104 has a reasonable potential for such activities; and  
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106           **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,  
107 hereby finds and determines that the area described herein represents a reasonably focused  
108 approach and is not overly large in geographic coverage; and

109  
110           **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,  
111 has considered and hereby finds and determines that the area described herein has potential to  
112 interest the private sector in participating in rehabilitation and that the area does not contain sites,  
113 or parts thereof, suitable for limited recreational open space, cultural, or historical preservation  
114 purposes; and

115  
116           **WHEREAS**, in accordance with the Act the City Council of the City of Orlando, Florida,  
117 hereby finds and determines that Orlando City Hall is a location reasonably proximate to the area  
118 described herein and provides a fair and convenient venue for public input; and

119  
120           **WHEREAS**, having adhered to the procedures set forth in section 166.041, Florida  
121 Statutes, and having provided notice and opportunities to be heard in accordance with section  
122 376.80(1), 376.80(2)(a), and section 166.041(3)(c)2, Florida Statutes, and having satisfied all  
123 other requirements of law;

124  
125           **NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE**  
126 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**

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

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

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

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

**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 \_\_\_\_\_, 2017.

**DONE, THE FIRST READING AND PUBLIC HEARING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**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 \_\_\_\_\_, 2017.

**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 \_\_\_\_\_, 2017.

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

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

\_\_\_\_\_  
Assistant City Attorney

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