

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING REAL ESTATE PARCELS TO BE DEVELOPED FOR AFFORDABLE HOUSING AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, FOR REHABILITATION AND REDEVELOPMENT FOR THE PURPOSES OF SECTIONS 376.77 – 376.86, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in Ch. 97-277, Laws of Florida, which is codified at Chapter 376.77 – 376.85, Florida Statutes, for the designation by resolution, including at the request of the person who owns or controls one or more real estate parcels, of a “brownfields area” comprised of such real estate parcels, to provide for their environmental remediation and redevelopment and to promote economic development and revitalization generally; and

WHEREAS, Northwest Properties II, LTD., owns and leases separate parcels of land as depicted on Exhibit A with legal descriptions as set forth on Exhibit B (hereafter referred to as the “Northwest Gardens II Site”) and is developing them to provide affordable housing; and

WHEREAS, Northwest Properties III, LTD., owns and leases separate parcels of land as depicted on Exhibit C with legal descriptions as set forth on Exhibit D (hereafter referred to as the “Northwest Gardens III Site”) and is developing them to provide affordable housing; and

WHEREAS, Northwest Properties IV, LTD., owns and leases separate parcels of land as depicted on Exhibit E with legal descriptions as set forth on Exhibit F (hereafter referred to as the “Northwest Gardens IV Site”) and is developing them to provide affordable housing; and

WHEREAS, Dr. Kennedy Homes, LTD., owns and leases separate parcels of land as depicted on Exhibit G with legal descriptions as set forth on Exhibit H (hereafter referred to as the “Kennedy Homes Site”) and is developing them to provide affordable housing; and

WHEREAS, Northwest Properties II, LTD., Northwest Properties III, LTD., Northwest Properties IV, LTD., and Dr. Kennedy Homes, LTD., (hereinafter referred to collectively as “Owners”), have requested that the City Commission of the City of Fort Lauderdale, Florida designate the Northwest Properties II Site, Northwest Gardens III Site, Northwest Properties IV Site, and Kennedy Homes Site (hereinafter referred to collectively as “Brownfield Sites”) as “brownfield areas” pursuant to Section 376.80(2)(b), Florida Statutes, and

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WHEREAS, pursuant to Resolution No. 12-35 adopted on February 21, 2012 the City designated a brownfield area named the "Job Acceleration Zone" also known as "JAZ"; and

WHEREAS, the City has reviewed the relevant criteria that apply in designating a "brownfield area", as specified in Chapter 376.80(2)(b), Florida Statutes, and has determined and finds that the Brownfield Sites qualify for designation as "brownfield areas" and inclusion in the JAZ because the following requirements have been satisfied:

1. Owners, own and/or control the real estate parcels proposed for designation and have agreed to rehabilitate and redevelop them;
2. The rehabilitation and redevelopment of the Northwest Gardens Sites will result in economic productivity in the area;
3. The redevelopment of the Northwest Gardens Sites is consistent with the City's comprehensive plan and is a permissible use under the City's Zoning and Land Development Code;
4. Proper notice of the proposed rehabilitation of the Northwest Gardens Sites has been provided to neighbors and nearby residents, and Owners have provided those receiving notice the opportunity to provide comments and suggestions regarding the rehabilitation; and
5. Owners have provided reasonable assurance that they have sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan; and

WHEREAS, the City desires to notify the Florida Department of Environmental Protection of its resolution designating the Brownfield Sites as "brownfield areas" to further its rehabilitation and redevelopment for purposes of Chapter 376.77 – 376.85, Florida Statutes; and

WHEREAS, the applicable procedures set forth in Chapter 376.80 and 166.041, Florida Statutes, have been followed, and proper notice has been provided in accordance with Chapter 376.80(1) and 166.041(3)(c)2, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE

CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida, finds the above recitals to be true and correct in their entirety.

SECTION 2. That the City Commission finds that Northwest Properties, II, LTD, Northwest Properties III, LTD., Northwest Properties IV, LTD., and Dr. Kennedy Homes, LTD. and the aforementioned sites satisfy the criteria set forth in Chapter 376.80(2)(b), Florida Statutes.

SECTION 3. That the City Commission designates the area depicted on Exhibit A with legal descriptions as set forth on Exhibit B, the area depicted on Exhibit C with legal descriptions as set forth on Exhibit D, the area depicted on Exhibit E with legal descriptions as set forth on Exhibit F, and the area depicted on Exhibit G with legal descriptions as set forth on Exhibit H, attached hereto and incorporated herein by reference, as "brownfield areas" for purposes of Chapter 376.77 – 376.85, Florida Statutes.

SECTION 4. That the City Clerk is hereby directed to provide a copy of this resolution to the Florida Department of Environmental Protection.

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the ____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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