

RESOLUTION NO. 15-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MAKING FINDINGS; DESIGNATING AS A BROWNFIELD AREA WITHIN THE CITY OF FORT LAUDERDALE, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT, NW GARDENS V, LOCATED IN THE VICINITY OF NW 7TH STREET BETWEEN NW 11TH AVENUE AND NW 14TH AVENUE, FORT LAUDERDALE, BROWARD COUNTY, FL, APPROXIMATELY 5.5 ACRES, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY OF FORT LAUDERDALE TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in § 97-277, Laws of Florida, which is codified at § 376.77 – § 376.86, Florida Statutes, for designation of a "brownfields area" by resolution at the request of the person who owns or controls the real estate parcel, to provide for their environmental remediation and redevelopment and promote economic development and revitalization generally; and

WHEREAS, Northwest Properties V, Ltd., controls the identified properties located in the vicinity of NW 7th Street between NW 11th Avenue and NW 14th Avenue, Fort Lauderdale, Broward County, FL 33310 (hereinafter the "NW Gardens V"), as depicted in Exhibit A and more particularly described in Exhibit B and is developing it as an affordable housing development; and

WHEREAS, Northwest Properties V, Ltd., has requested that the City Commission of the City of Fort Lauderdale, Florida designate NW Gardens V as a "brownfield area" pursuant to § 376.80(2)(c), Florida Statutes; and

WHEREAS, the City has reviewed the relevant criteria that apply in designating a "brownfield area," as specified in § 376.80(2)(c), Florida Statutes, and has determined and finds that the NW Gardens V site qualifies for designation as a "brownfield area" because the following requirements have been satisfied:

1. Northwest Properties V, Ltd., controls the real estate parcel which is proposed for designation and has agreed to rehabilitate and redevelop it;
2. The rehabilitation and redevelopment of the NW Gardens V site will result in economic productivity in the area;
3. The redevelopment of the NW Gardens V site is consistent with the City's Comprehensive Plan and is a permissible use under the City's Code of Ordinances;
4. Proper notice of the proposed rehabilitation of the NW Gardens V site has been provided to neighbors and nearby residents, and Northwest Properties V, Ltd., has provided those receiving notice the opportunity to provide comments and suggestions regarding the rehabilitation; and
5. Northwest Properties V, Ltd., has provided reasonable assurance that it has 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 NW Gardens V site a "brownfield area" to further its rehabilitation and redevelopment for purposes of § 376.77 – § 376.86, Florida Statutes; and

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

WHEREAS, such designation shall not render the City liable for costs or site remediation, rehabilitation and economic development or source removal, as those terms are defined in Section 376.79 (17) and (18), Florida Statutes, or for any other costs, above and beyond those costs attributed to the adoption of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, that:

SECTION 1. 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.

SECTION 2. The City Commission of the City of Fort Lauderdale, Florida finds that Northwest Properties V, Ltd., has satisfied the criteria set forth in § 376.80(2)(c), Florida Statutes.

SECTION 3. The City Commission of the City of Fort Lauderdale, Florida designates the area depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, as a "brownfield area" for purposes of § 376.77 – § 376.86, Florida Statutes.

SECTION 4. The City Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the City Commission's resolution designating the NW Gardens V site a "brownfield area" for purposes of § 376.77 – § 376.86, Florida Statutes.

SECTION 5. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 17th day of November, 2015.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

EXHIBIT A

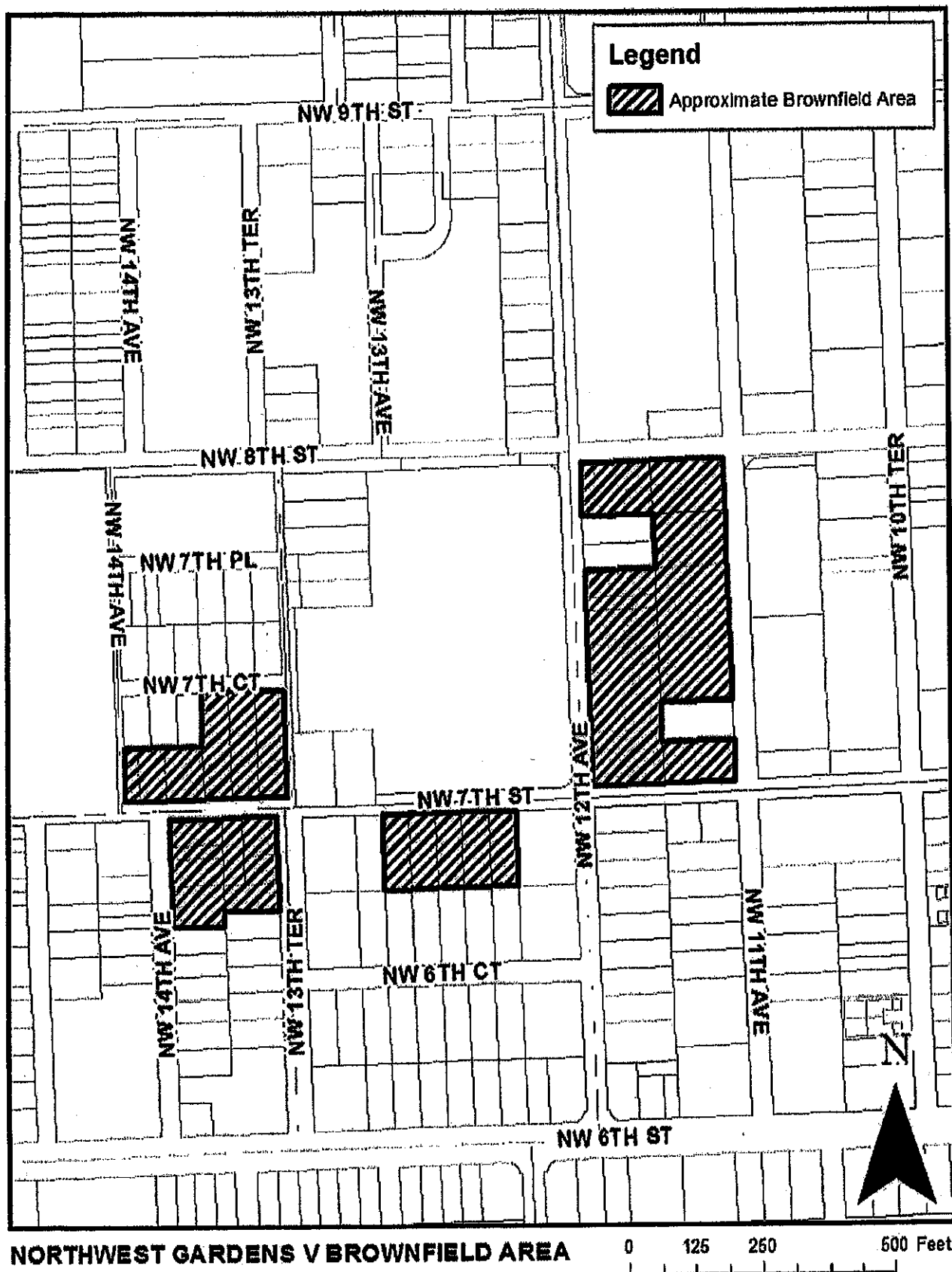


EXHIBIT B

LEGAL DESCRIPTION

LOTS 5 THROUGH 24, BLOCK 1, SECTION A OF **LAUDERDALE HOMESITES**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 44, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AND

LOTS 22 THROUGH LOT 36, BLOCK 1, **LINCOLN PARK**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AND

LOTS 5 THROUGH 18, 22 THROUGH, 40, 43, AND 44, BLOCK 273, **PROGRESSO**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

AND

LOTS 6, 7, 10 AND 11, BLOCK B, **HOME BEAUTIFUL PARK**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 47 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.