

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

DESIGNATING CERTAIN LAND WITHIN UNINCORPORATED ORANGE COUNTY PARCEL ID 21-23-29-1175-00-011 AS THE BONITA FOUNTAINS: ROCC (REDEVELOPING ORANGE COUNTY COMMUNITIES) AREA AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDATION, REHABILITATION, AND ECONOMIC DEVELOPMENT

Resolution No. _____

WHEREAS, Sections 376.77 - 376.85, of the Florida Statutes, as amended, (the “Brownfields Redevelopment Act” or the “Act”) authorizes and provides for designation by resolution, at the request of the property owner, of certain lands as a "Brownfield Area", and for the corresponding provision of environmental remediation, rehabilitation, and economic development for such areas; and

WHEREAS, The Eaglewood Course Development LLC, the property owner, has requested that the property located at 7784 Lake Underhill Road (Parcel ID: 21-23-29-1175-00-011) within unincorporated Orange County as the Bonita Fountains: ROCC (Redeveloping Orange County Communities) more particularly described in Exhibit “A”: attached hereto and incorporated by reference be designated as a Brownfield Area; and

WHEREAS, on **INSERT DATE HERE**, a public hearing was held near the area to be designated to provide an opportunity for public input on the size of the area, the objective for rehabilitation, job opportunities and economic developments anticipated, neighborhood resident’s considerations, and other relevant local concerns in accordance with Section 376.80(2)(a), Florida Statutes; and

WHEREAS, the orange County Board of County Commissioners has considered the criteria set forth in Section 376.80(2)(a), Florida Statutes, namely,

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed are to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation ; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes

WHEREAS, the Orange County Board of County Commissioners has reviewed the requirements for designation set forth in Section 376.80(2)(b), Florida Statutes, and based on the representations of the property owner, The Eaglewood Course Development LLC, has

determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements have been satisfied:

1. The Eaglewood Course Development LLC, the owner of the proposed parcel, has requested the designation and has agreed to rehabilitate and redevelop the brownfield site;
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area and The Vista Pointe Family, LP has provided assurances that the redevelopment of the site will result in the creation of at least 5 new permanent jobs at the brownfield site which are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and which are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment agreement;
3. The redevelopment of the proposed brownfield site is consistent with the Orange County 2000-2020 Comprehensive Policy Plan and is a permissible use under the County's land development regulations;
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and The Eaglewood Course Development LLC has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; and
5. The Eaglewood Course Development LLC has provided reasonable assurance that they have sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

WHEREAS, the Orange County Board of County Commissioners wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for remediation, rehabilitation, and economic development for the purposes set forth in the Act; and

WHEREAS, the area proposed for designation is located within the property that was a formerly used defense site, and

WHEREAS, the procedures set forth in Section 376.80(1) of the Act, including the notice and public hearing requirements set forth in Sections 125.66 and 125.66(4)(b)(2) and 125.66(4)(b)(3) Florida Statutes, have been complied with.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. 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. Upon application by The Eaglewood Course Development LLC, the Property described in Exhibit "A", attached hereto and incorporated herein by reference, which is located within and coincides with the boundaries of that portion located in the unincorporated area of the County, less any real property for which a property owner within the area depicted in Exhibit "A"

requests in writing to have his or her property removed from the designation provided for herein, is hereby designated as the “Bonita Fountains: ROCC (Redeveloping Orange County Communities) which shall hereafter be known as the “Bonita Fountains: ROCC” area and as a Brownfield Area for environmental remediation, rehabilitation, and economic development as set forth in the Act, under the following terms and conditions:

a. Pursuant to Section 376(3), Florida Statutes, The Eaglewood Course Development LLC shall be the entity responsible for the brownfield site rehabilitation as that term is defined in Section 376.79(13), Florida Statutes

b. The designation of the Brownfield Area by this Resolution does not, by itself, render the Board of County Commissioners responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are defined in the Act, unless the Orange County Board of County Commissioners specifically designates itself as a responsible person pursuant to Section 376.80(3), thereof.

c. Nothing in this Resolution shall be deemed to prohibit, limit, or amend the authority and power of the Orange County Board of County Commissioners, otherwise legally available, to designate any other property or properties as a Brownfield Site or Brownfield Area, or to modify, amend, or withdraw the designation as established herein.

Section 3. In accordance with Section 376.80(1), Florida Statutes, the Orange County Board of County Commissioners hereby directs the Orange County Environmental Protection Division to notify the Florida Department of Environmental Protection of Orange County’s decision to designate this Brownfield Area for the purposes of remediation, rehabilitation, and economic development.

Section 4. This Resolution shall become effective July 14, 2009

ADOPTED this ____ day of _____, 2009.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____

Richard T. Crotty
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

DRAFT

EXHIBIT A

Bonita Fountains: ROCC
Parcel 21-23-29-1175-00-011

