

AUG 04 2009 *SB/BS*

# 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: PHASE 2: ROCC (REDEVELOPING ORANGE COUNTY COMMUNITIES) AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDICATION, REHABILITATION, AND ECONOMIC DEVELOPMENT**

#### **Resolution No. 2009-M-32**

**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 parcel ID: 21-23-29-1175-00-011 within unincorporated Orange County, be designated as the Bonita Fountains Phase 2: ROCC (Redeveloping Orange County Communities), more particularly described in **Exhibit "A"**: attached hereto and incorporated by reference, and as a brownfield area; and

**WHEREAS**, on June 23, 2009 and on August 4, 2009, 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 residents 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; and

**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 permittable 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 it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan; and

**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 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 Phase 2: ROCC (Redeveloping Orange County Communities)” which shall hereafter be known as the “Bonita Fountains Phase 2: 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 376.80(3), Florida Statutes, The Eaglewood Course Development LLC shall be the “person 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 in any sense render the Board of County Commissioners responsible for any costs or liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are defined in the Act.

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 immediately upon its adoption.

**ADOPTED** this 4 day of August, 2009.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: David C. Hutto

Richard T. Crotty

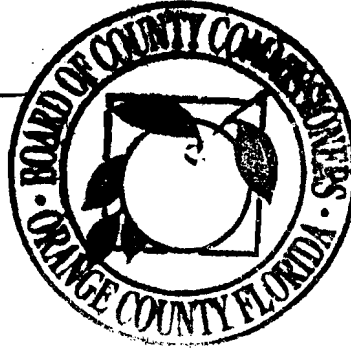
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller

As Clerk of the Board of County Commissioners

By: Martha O. Haynie

Deputy Clerk



**EXHIBIT A**

Bonita Fountains Phase 2: ROCC  
Parcel 21-23-29-1175-00-011

