

# RESOLUTION

*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding*  
**DESIGNATING CERTAIN LAND WITHIN  
UNINCORPORATED ORANGE COUNTY PARCEL ID  
12-23-31-0000-00-002 AS THE GENE: ROCC (REDEVELOPING  
ORANGE COUNTY COMMUNITIES) AND AS A BROWNFIELD  
AREA FOR THE PURPOSE OF ENVIRONMENTAL  
REMEDICATION, REHABILITATION AND ECONOMIC  
DEVELOPMENT**

Resolution No. 2015-M-42

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, Dustin Lucas, the property owner, has requested that the property parcel ID: 12-23-31-0000-00-002 with address generally as south of the intersection of Alafaya Trail and Innovation Way and north of Curtis Stanton Energy Plant within unincorporated Orange County, be designated as the Gene: 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 November 17, 2015 and December 1, 2015, public hearings were held near the area to be designated and at the Orange County Board of County Commissioners, respectively, to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns in accordance with Section 376.80, Florida Statutes; and

WHEREAS, the Orange County Board of County Commissioners has reviewed the requirements for designation set forth in Section 376.80(2)(c), Florida Statutes, and based on the representations of the property owner, Dustin Lucas, and has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements have been satisfied:

1. Dustin Lucas, the owner of the property, 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 will potentially result in the creation of at least 5 new permanent jobs at the brownfield site that are

full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield area;

3. The redevelopment of the proposed brownfield site is consistent with the Orange County 2010-2030 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 pursuant to 376.80(1)(c), Florida Statutes, and Dustin Lucas has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; and
5. Dustin Lucas has provided reasonable assurance that he has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site; 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, 125.66(4)(b)1., and 125.66(4)(b)2., Florida Statutes, have been complied with.

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

**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 Dustin Lucas, 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 "Gene: ROCC (Redeveloping Orange County Communities)" which shall hereafter be known as the "Gene: 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, Dustin Lucas 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 take effect upon the date of its adoption.

ADOPTED THIS \_\_\_\_\_ DAY OF DEC 01 2015, 2015.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

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

By: *Craig A. Stopps*  
*fol* Deputy Clerk



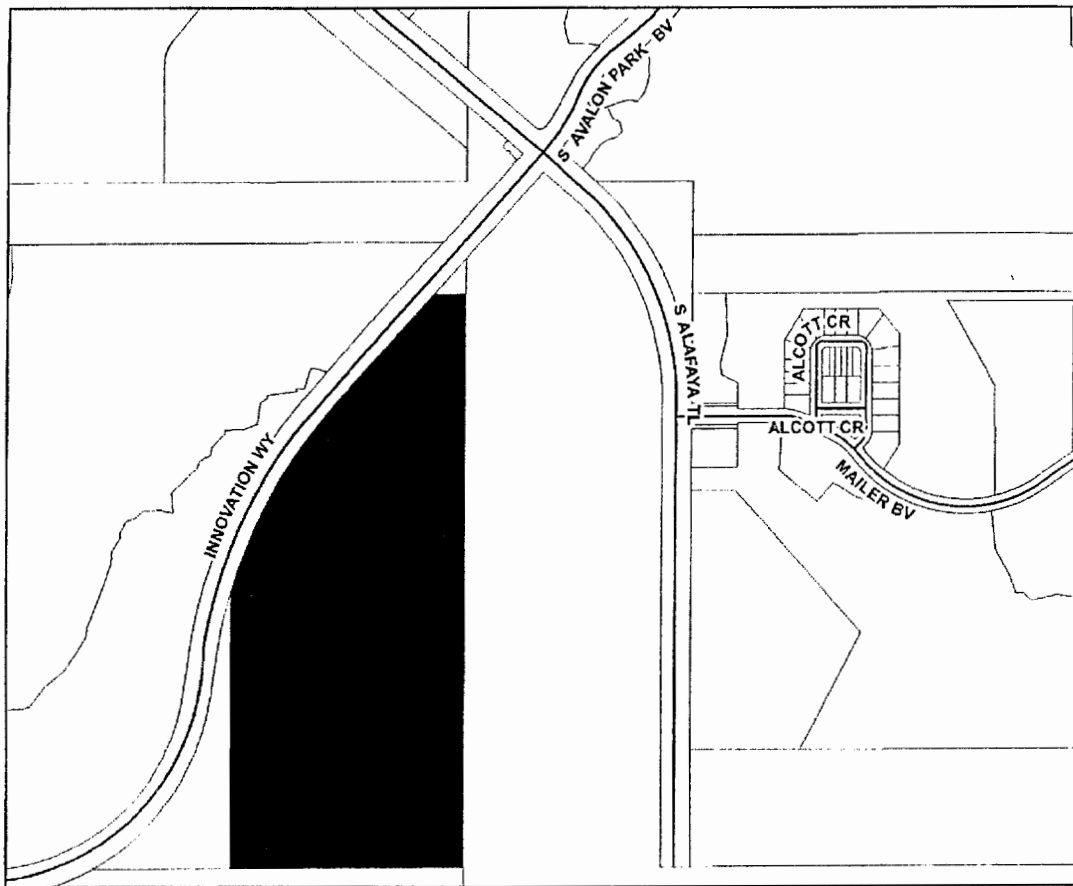
# EXHIBIT A

Gene: ROCC

Parcel ID: 12-23-31-0000-00-002

THE E1/2 OF E3/4 OF SE1/4 OF SEC 12-23-31 (LESS COMM AT SE COR OF SAID SE1/4 RUN N 2655.65 FT W 100.64 FT TO NWLY R/W LINE OF ALAFAYA TR & POB TH S 42 DEG W ALONG SAID R/W 832.15 FT CON'T SWLY ALONG R/W 639.61 FT TO W LINE OF E1/2 OF E3/4 OF SEC TH N 1141.82 FT TO N LINE OF SAID SE1/4 TH E 914.77 FT TO POB) & (LESS COMM AT SE COR OF SE1/4 OF SEC 12-23-31 RUN N 2435.65 FT TO POB TH W 138.99 FT TO SELY R/W LINE OF ALAFAYA TR TH N 42 DEG E 206.23 FT ALONG R/W TO E LINE OF SAID SE1/4 S 152 FT TO POB) & (LESS PT TAKEN FOR INNOVATION WAY/ALAFAYA TRAIL EXTENSION PER 8887/3330)

## Proposed Brownfield



- Legend**
- Brownfield Project
  - Parcels
  - Streets



0 600 1,200 Feet