

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**DESIGNATING CERTAIN LAND WITHIN
UNINCORPORATED ORANGE COUNTY CONSISTING OF
PARCEL ID 11-21-28-0000-00-007 AS THE WELLINGTON
PARK GREEN REUSE AREA: ROCC (REDEVELOPING
ORANGE COUNTY COMMUNITIES) AND AS A BROWNFIELD
AREA FOR THE PURPOSE OF ENVIRONMENTAL
REMEDICATION, REHABILITATION AND ECONOMIC
DEVELOPMENT**

Resolution No. 2017-M-35

WHEREAS, the Brownfields Redevelopment Act, (the "Act), Sections 376.77 - 376.85, Florida Statutes, 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, Wellington Park, Ltd. ("Wellington"), the property owner of property parcel ID: 11-21-28-0000-00-007; located at 1225 Apley Circle within unincorporated Orange County, has requested that the property be designated as the WELLINGTON PARK GREEN REUSE AREA: ROCC (Redeveloping Orange County Communities), more particularly described in Exhibit "A," attached hereto and incorporated by reference herein, and as a brownfield area; and

WHEREAS, on August 15, 2017 and September 19, 2017, public hearings were held near the area to be designated and at the Orange County Board of County Commissioners (the "Board"), 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 Board has reviewed the requirements for designation set forth in Section 376.80(2)(c), Florida Statutes, based on the representations of Wellington, and has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements have been satisfied:

1. The property owner, Wellington, has requested the designation and has agreed to rehabilitate and redevelop the potential brownfield site;
2. The job creation requirement of Section 376.80(2)(c)2., Florida Statutes does not apply to rehabilitation and redevelopment of this brownfield site

because it will provide affordable housing as defined in Section 420.0004, Florida Statutes;

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 Section 376.80(1)(c), Florida Statutes, and Wellington has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; and
5. Wellington has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site; and

WHEREAS, the Board wishes to notify the Florida Department of Environmental Protection ("FDEP") 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), Florida Statutes, 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 Wellington, 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 "Wellington Park Green Reuse Area: ROCC (Redeveloping Orange County Communities)" which shall hereafter be known as the "WELLINGTON PARK GREEN REUSE AREA: ROCC" 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, Wellington shall be the "person responsible for the brownfield site rehabilitation" as that term is defined in Section 376.79(15), Florida Statutes.

b. The designation of the brownfield area by this Resolution does not in any sense render Orange County or its Board 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 Board, 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 Board hereby directs the Orange County Environmental Protection Division to notify the FDEP 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 SEP 19 2017 DAY OF September, 2017.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jessica Vaughn*
for Deputy Clerk

EXHIBIT A

Proposed Brownfield

Parcel ID: 11-21-28-0000-00-007

