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RESOLUTION NO. 2018 - 134

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 601 NORTH FEDERAL HIGHWAY, HALLANDALE BEACH, BROWARD COUNTY, FLORIDA 33009, FOLIO NUMBER 5142 22 35 0010, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUTES, AND FORMALLY DESIGNATING THE PROPERTY AS THE "ATLANTIC VILLAGE GREEN REUSE AREA" FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY OF HALLANDALE BEACH TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in § 97-277, Laws of Florida, which is codified at §376.77 – §376.85, Florida Statutes, for designation of certain areas 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 to promote economic development and revitalization generally; and

WHEREAS, Atlantic Village 3, LLC ("Atlantic Village"), controls the identified property located at 601 North Federal Highway, FL, Hallandale Beach, Broward County Florida 33009, Folio Number 5142 22 35 0010 (the "Subject Property"), as depicted in the map (attached hereto as "Exhibit A") and more particularly described in the legal description (attached hereto as "Exhibit B"), and proposes to develop it as a mixed use project consisting of retail, commercial, office, and residential components; and

WHEREAS, Atlantic Village has requested that the City Commission of the City of Hallandale Beach, Florida designate the Subject Property as a Brownfield Area pursuant to §376.80(2)(c), Florida Statutes, and formally have it referred to as the "Atlantic Village Green Reuse Area"; and

WHEREAS, §376.80(2)(c), Florida Statutes, provides, "For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to

39 designate the brownfield area at the public hearing to adopt the resolution, if, at the public hearing
40 to adopt the resolution, the person establishes all of the following:

- 41 1. A person who owns or controls a potential brownfield site is requesting the
42 designation and has agreed to rehabilitate and redevelop the brownfield site.
- 43 2. The rehabilitation and redevelopment of the proposed brownfield site will result in
44 economic productivity of the area, along with the creation of at least 5 new
45 permanent jobs at the brownfield site that are full-time equivalent positions not
46 associated with the implementation of the brownfield site rehabilitation agreement
47 and that are not associated with redevelopment project demolition or construction
48 activities pursuant to the redevelopment of the proposed brownfield site or area.
- 49 3. The redevelopment of the proposed brownfield site is consistent with the local
50 comprehensive plan and is a permissible use under the applicable local land
51 development regulations.
- 52 4. Notice of the proposed rehabilitation of the brownfield area has been provided to
53 neighbors and nearby residents of the proposed area to be designated pursuant
54 to paragraph (1)(c), and the person proposing the area for designation has
55 afforded to those receiving notice the opportunity for comments and suggestions
56 about rehabilitation. Notice pursuant to this subparagraph must be posted in the
57 affected area.
- 58 5. The person proposing the area for designation has provided reasonable assurance
59 that he or she has sufficient financial resources to implement and complete the
60 rehabilitation agreement and redevelopment of the brownfield site.”

61
62 **WHEREAS**, if the City approves the designation of the Subject Property as Brownfield
63 Area, the City will notify the Florida Department of Environmental Protection of its resolution
64 designating the Subject Property a Brownfield Area to further its rehabilitation and redevelopment
65 for purposes of §376.77 – §376.85, Florida Statutes; and

66
67 **WHEREAS**, the applicable procedures set forth in §376.80 and §166.041, Florida
68 Statutes, have been followed and proper notice has been provided in accordance with §376.80(1)
69 and §166.041(3)(c)2, Florida Statutes; and

70
71 **WHEREAS**, such designation shall not render the City liable for costs or site remediation,
72 rehabilitation and economic development or source removal, as those terms are defined in

§376.79, Florida Statutes, or for any other costs, above and beyond those costs attributed to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

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 Hallandale Beach, Florida finds that Atlantic Village has satisfied the criteria set forth in §376.80(2)(c), Florida Statutes.

SECTION 3. The City Commission of the City of Hallandale Beach, Florida approves the designation of the area depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, comprised of approximately 2.52 acres, as a Brownfield Area for purposes of §376.77 – §376.85, Florida Statutes. If designated, the area shall hereinafter be referred to as the “Atlantic Village Green Reuse Area.”

SECTION 4. The City Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the City Commission’s resolution designating the Subject Property as the Atlantic Village Green Reuse Area for purposes of §376.77 – §376.85, Florida Statutes.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on 1st reading on November 19, 2018

PASSED AND ADOPTED on 2nd reading on _____, 2018.

JOY D. ADAMS
MAYOR

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SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN M. GUILLEN, CMC

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND
FORM

JENNIFER MERINO

CITY ATTORNEY

FINAL VOTE ON ADOPTION

Mayor Adams	_____
Vice Mayor Javellana	_____
Commissioner Butler	_____
Commissioner Lazarow	_____
Commissioner Lima- Taub	_____