

ORDINANCE NO. 2010-O-07

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA; DESIGNATING THE PROPERTIES SET OUT ON EXHIBIT "A" IN THE CITY OF EDGEWATER, FLORIDA AS A BROWNFIELD AREA TO BE KNOWN AS THE EDGEWATER REDEVELOPMENT AREA ("ERA") FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION AND ECONOMIC DEVELOPMENT; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND ADOPTION.

WHEREAS, the State of Florida has provided in Ch. 97-277, Laws of Florida, codified as Sections 376.77 through 376.86, Florida Statutes, known as the Brownfields Redevelopment Act, for the designation by resolution of certain areas as brownfield sites or areas, and for the corresponding provision of environmental remediation, rehabilitation and economic development for such areas or sites; and

WHEREAS, the legislative intent behind the Brownfields Redevelopment Act includes the redevelopment and rehabilitation of abandoned or underused commercial and industrial areas, with incentives to "...encourage responsible persons to voluntarily develop and implement cleanup plans without the use of taxpayer funds...", pursuant to Section 376.78(3), Florida Statutes; and

WHEREAS, the City of Edgewater desires to take advantage of the Brownfields Redevelopment Act to redevelop and rehabilitate abandoned or underused commercial or industrial areas in the City and to allow responsible persons to develop and implement cleanup plans without the need to use local taxes when existing federal and state incentives are available for such action; and

WHEREAS, the City of Edgewater has considered; (1) whether the Brownfield area warrants economic development and has a reasonable potential for such activities; (2) whether the proposed area to be designated represents a reasonable 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 City of Edgewater has designated the Brownfield area within the City of Edgewater to be known as the Edgewater Redevelopment Area ("ERA").

WHEREAS, the City of Edgewater has considered the requirements for the Brownfield area designation as provided in Sections 376.80(2)(b), Florida Statutes, and finds;

1. The rehabilitation and redevelopment of the proposed Edgewater Redevelopment Area will result in economic productivity of the area, along with the creation of additional full-time equivalent jobs not associated with the implementation of the Brownfield site rehabilitation and redevelopment, and will also provide affordable housing as defined in Sec. 420.000493), F.S.;
2. The redevelopment of the proposed Edgewater Redevelopment Area will also include areas presently considered in the City of Edgewater's Comprehensive Plan as future community redevelopment areas.
3. Notice of the Edgewater Redevelopment Area designation and proposed applicable rehabilitation has been provided to property owners of the proposed area to be designated. There will be an opportunity afforded to those receiving notice for comments and suggestions. There will also be an opportunity for those with such identified property to request that their property not be included as a Edgewater Redevelopment Area designation.
4. The Edgewater Redevelopment Area designated property owners will be provided reasonable assurance that they will receive assistance with the application and implementation of rehabilitation agreements and redevelopment plan for their respective properties; and

WHEREAS, the notice, publication and public hearing requirements set forth in section 376.80(1), Florida Statutes, have been satisfied; and

WHEREAS, the City of Edgewater, Florida, shall notify the Florida Department of Environmental Protection in writing and provide a copy of this Resolution setting forth the designation of the properties described on Exhibit "A" hereof, as the Edgewater Redevelopment Area.

NOW, THEREFORE, BE IT ENACTED by the People of the City of Edgewater, Florida:

Section 1. In accordance with the Florida Brownfields Redevelopment Act, Sections 376.77 through 376.86, Florida Statutes, the properties described on Exhibit "A" hereof are hereby designated as the Edgewater Redevelopment Area.

Section 2. The property owners designated in the Edgewater Redevelopment Area as described on Exhibit "A" hereof shall be responsible for the site remediation and rehabilitation on the property individually owned by each of them within the Edgewater Redevelopment Area.

Section 3. Designating said area as the Edgewater Redevelopment Area shall in no way render the City of Edgewater responsible for costs of site rehabilitation or source removal,

as those terms are defined in Sections 376.79(17) and (18), Florida Statutes, or for any other costs that may arise or be incurred.

Section 4. The City Clerk is hereby directed to transmit a certified copy of this Ordinance to the Florida Department of Environmental Protection to inform them of the City of Edgewater's decision to designate the Edgewater Redevelopment Area which is a Brownfield area for remediation, rehabilitation and economic development for the purposes set forth in Sections 376.77 through 376.86, Florida Statutes.

Section 5. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

Section 6. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 7. EFFECTIVE DATE

This Ordinance shall become effective as of May 17, 2010.

Section 8. ADOPTION

After Motion to approve by Councilman Cooper with Second by Councilwoman Rogers, the vote on the first reading of this ordinance during the meeting held on April 19, 2010 was as follows:

	AYE	NAY
Mayor Mike Thomas	<u> X </u>	<u> </u>
Councilwoman Debra J. Rogers	<u> X </u>	<u> </u>
Councilwoman Gigi Bennington	<u> X </u>	<u> </u>
Councilwoman Harriet B. Rhodes	ABSENT	
Councilman Ted Cooper	<u> X </u>	<u> </u>

After Motion to approve by Councilwoman Bennington with Second by Councilwoman Rhodes,
the vote on the second reading of this ordinance during the meeting held on May 17, 2010
was as follows:

	AYE	NAY
Mayor Mike Thomas	<u>X</u>	_____
Councilwoman Debra J. Rogers	<u>X</u>	_____
Councilwoman Gigi Bennington	<u>X</u>	_____
Councilwoman Harriet B. Rhodes	<u>X</u>	_____
Councilman Ted Cooper	<u>Absent</u>	_____

PASSED AND DULY ADOPTED this 17th day of May, 2010.

ATTEST:

Bonnie Wenzel
Bonnie Wenzel
City Clerk

CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA

By: Mike Thomas

Mike Thomas
Mayor

Robin L. Matusick

Robin L. Matusick
Paralegal

For the use and reliance only by the City of
Edgewater, Florida. Approved as to form and
legality by: Carolyn S. Ansay, Esquire
City Attorney
Doran, Sims, Wolfe, Ansay,
Kundid & Birch

Approved by the City Council of the City of
Edgewater at a meeting held on this 17th day
of May, 2010 under Agenda Item No.
8C.

EXHIBIT "A"

~~Struck through~~ passages are deleted.
Underlined passages are added.

