

RESOLUTION NO. 14-34

A RESOLUTION OF THE CITY OF CLEARWATER, FLORIDA, MAKING FINDINGS; DESIGNATING PROPERTY FORMERLY KNOWN AS COUNTRYSIDE EXECUTIVE GOLF COURSE LOCATED AT 2506 COUNTRYSIDE BOULEVARD, CLEARWATER, FLORIDA 33763, AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT PURSUANT TO SECTIONS 376.77-376.86, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in Florida Statutes Sections 376.77 – 376.86, for the designation by resolution of certain contiguous areas consisting of one or more Brownfields sites as “Brownfields Areas”, and for the corresponding provision of environmental remediation and economic development for such areas; and

WHEREAS, more specifically, Florida Statutes Section 376.80(2)(c) provides for Brownfield designation by persons other than a governmental entity; and

WHEREAS, the City of Clearwater is required to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area within its jurisdiction if said persons establish certain criteria as set forth in Florida Statutes Section 376.80(2)(c); and

WHEREAS, 25 Countryside West, LLC (hereinafter, the “Owner”) owns 44.277 MOL acres of property located at 2506 Countryside Boulevard, Clearwater, Florida 33763, the legal description and a depiction of which are attached hereto as **EXHIBIT A**, both of which are incorporated herein by this reference (the “Subject Property”); and

WHEREAS, the Owner submitted an application to the City of Clearwater Economic Development and Housing Department on October 7, 2014, requesting the City of Clearwater designate by resolution the Subject Property a Brownfield Area as authorized under the Florida Brownfield Redevelopment Act, Section 376.77-376.86 Florida Statutes; and

WHEREAS, the Owner, upon designation by the City, will enter into a Brownfield Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP) and will conduct the remediation under the direction of FDEP and complete the redevelopment and reuse with the existing zoning medium density residential (MDR) and future land use planned classification residential urban (RU); and

WHEREAS, the City has complied with the procedures and has given proper notice and opportunity for the public to be heard, as required by Sections 376.80 and 166.041, Florida Statutes; and now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The City Council finds: that the person making application for the designation of a brownfield site owns or controls the site, is requesting the designation, and has agreed to rehabilitate and redevelop the potential brownfield site; the rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with 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 site or area; the redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations; 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 person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; the person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

Section 2. For the purpose of the Florida Brownfield Redevelopment Act, Sections 376.77 -376.86, Florida Statutes, (hereinafter the "Act"), the Subject Property is hereby designated a Brownfield area. For purposes of Clearwater's Brownfields Program, this area shall be called the 2506 Countryside Boulevard Brownfield Area. This designation shall not, however, render the City of Clearwater liable for the cost of site rehabilitation or source removal, as those terms are defined in Section 376.79 (17) and (18), Florida Statutes; for other costs in excess of those attributable to the City as administrator of a Brownfields Program, or as a property owner, if the City hereafter acquires any realty with the designated Brownfield Area.

Section 3. The Owner will negotiate a Brownfield Site Rehabilitation agreement, if needed, addressing such rehabilitation, and notify the City Brownfield Coordinator when such an agreement has been reached.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____ 2014.

CITY OF CLEARWATER, FLORIDA

By: _____
George N. Cretokos
Mayor

Approved as to form:

Attest:

Laura Mahony
City Attorney

Rosemarie Call
City Clerk