

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, DESIGNATING REAL PROPERTY, IDENTIFIED BY FOLIO NUMBERS 4842-1934-0010 AND 4842-1934-0011 AND SHOWN IN EXHIBIT "A", AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION AND ECONOMIC REDEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in Sections 376.77 and 376.85, Florida Statutes, for the designation by resolution, at the request of HTG Arbor View, LLC, of one or more parcels as a "Brownfield Area", and for the corresponding provision of environmental rehabilitation and economic redevelopment; and

WHEREAS, HTG Arbor View, LLC has requested designation as a Brownfield Area real property identified in folio numbers 4842-1934-0010 and 4842-1934-0011 and shown in Exhibit "A", attached hereto and incorporated by reference; and

WHEREAS, the City Commission of the City of Margate, Florida has reviewed the requirements for Brownfield Area designation, as specified in Florida Statutes Section 376.80(2)(c), and has determined that the proposed area qualifies for designation as a Brownfield Area because the following five requirements of Florida Statutes Section 376.80(2)(c) have been met:

1. **Agreement to Redevelop the Brownfield Site.** HTG Arbor View, LLC owns the subject property and has agreed to redevelop and rehabilitate the site.

2. **Economic Productivity.** All 100 units at the subject property will be rented to Income Eligible Households under the Low Income Housing Tax Credit program, and rehabilitation and redevelopment of the subject property will "provide affordable housing as defined in Florida Statute Section 420.0004." As such, the employment creation threshold of at least five new permanent jobs is not applicable to the project.

3. **Consistency with Local Comprehensive Plan and Permittable Use under Local Land Development Regulations.** The

redevelopment of the proposed Brownfield site is consistent with the City of Margate Comprehensive Plan and is a permissible use under the City's Land Development Code.

4. **Public Notice and Comment.** HTG Arbor View, LLC has complied with the procedures outlined in the Act and has provided notice as required by law, Florida Statutes Sections 376.80(2)(c)(4) and 376.80(1)(c)(4)(b).

5. **Reasonable Financial Assurance.** HTG Arbor View, LLC has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan; and

WHEREAS, Section 376.79(4), Florida Statutes, defines "brownfield site" to mean "... real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination." The Brownfield Area depicted in Exhibit "A" falls within the definition of the term "brownfield site" in that there is a substantial and lengthy history of agricultural use and agrichemical application on surrounding, topographically up-gradient property where stormwater runoff to the subject property has created a significant perception of contamination, complicating redevelopment and reuse; and

WHEREAS, the City of Margate wishes to notify the Florida Department of Environmental Protection of this designation of Brownfield Area to facilitate environmental rehabilitation and economic development of such area consistent with Florida Statutes Sections 376.77 through 376.85; and

WHEREAS, the procedures set forth in Subsections 376.80(1) and 376.80(2)(c), Florida Statutes, have been followed, and proper notice has been provided in accord with Section 376.80 and Subsection 125.66(4)(b)(2), Florida Statutes.

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

Section 1: The area depicted on Exhibit "A", attached to and incorporated by reference, is designated as a Brownfield Area for environmental rehabilitation and redevelopment purposes pursuant to Sections 376.77 and 376.85, Florida Statutes.

Section 2: The City shall notify the Florida Department of Environmental Protection, pursuant to Section

376.80, Florida Statutes, of this Brownfield Area designation.

Section 3: The lands depicted in Exhibit "A", attached to and incorporated by reference, is designated as a Brownfield Area for environmental remediation, rehabilitation and economic development in accordance with the intent of the Brownfield Redevelopment Act. However, such designation shall not render the City of Margate liable for costs of site rehabilitation or source removal, as those terms are defined in Sections 376.79(19) and 376.79(20), Florida Statutes, or any other costs above and beyond those costs attributable to the City's role as administrator of a Brownfield site rehabilitation program.

Section 4: This Resolution shall become effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED THIS _____ day of _____, 2017.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Exhibit "A"

