



**City Attorney's Communication #2020-131**  
October 29, 2019

**TO:** Christopher J. Clemens, Economic Development Manager  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution – Belmont Porten Properties, LLC Brownfield Application

As requested in your memorandum dated October 23, 2019, the following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTIES LOCATED AT 2700 GATEWAY DRIVE AND 1441 SW 27<sup>TH</sup> AVENUE, POMPANO BEACH, FLORIDA, IDENTIFIED BY FOLIO NUMBERS 4942-04-00-0391 AND 4942-04-09-0010, RESPECTIVELY, AS BROWNFIELD AREAS PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

  
MARK E. BERMAN

/jrm  
l:cor/dev-srvcs/2020-131

Attachment

**CITY OF POMPANO BEACH  
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTIES LOCATED AT 2700 GATEWAY DRIVE AND 1441 SW 27<sup>TH</sup> AVENUE, POMPANO BEACH, FLORIDA, IDENTIFIED BY FOLIO NUMBERS 4942-04-00-0391 AND 4942-04-09-0010, RESPECTIVELY, AS BROWNFIELD AREAS PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to § 97-277, Laws of Florida, codified at § 376.77 – 376.86, Florida Statutes, the State of Florida has provided for designation of a “brownfield area” by resolution at the request of the person who owns or controls one or more real estate parcels, to provide for their environmental remediation and redevelopment and promote economic development and revitalization generally; and

**WHEREAS**, Belmont Porten Properties, LLC owns the properties located at 2700 Gateway Drive and 1441 SW 27<sup>th</sup> Avenue, Pompano Beach, Broward County, Florida, identified by Folio Nos. 4942-04-00-0391 and 4942-04-09-0010, respectively, (hereinafter the “Properties”) depicted and more particularly described in Exhibit “A” and is developing the properties solely for residential use to provide affordable housing in accordance with Section 420.0004, Florida Statutes; and

**WHEREAS**, Belmont Porten Properties, LLC has requested that the City Commission of Pompano Beach designate the Properties as “brownfield areas” pursuant to §376.80(2)(a), Florida Statutes; and

**WHEREAS**, the City Commission has reviewed the criteria set forth in § 376.80(2)(a), Florida Statutes, and has determined that the Properties qualify for designation as “brownfield areas” because the following requirements have been satisfied:

1. The brownfield areas warrant economic development and have a reasonable potential for such activities;
2. The proposed areas to be designated represent a reasonably focused approach and is not overly large in geographic coverage;
3. The areas have potential to interest the private sector in participating in rehabilitation; and
4. The areas contain sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

**WHEREAS**, the City Commission desires to notify the Florida Department of Environmental Protection of its resolution designating the Properties as “brownfield areas” to further the rehabilitation and redevelopment for purposes of § 376.77 – 376.86, Florida Statutes; and

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

**WHEREAS**, such designation shall not render the City of Pompano Beach liable for costs or site remediation, rehabilitation and economic development or source removal, as those terms are defined in Section 376.79 (17) and (18), 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 POMPANO 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.** That the City Commission finds that Belmont Porten Properties, LLC has satisfied the criteria set forth in § 376.80(2)(a), Florida Statutes.

**SECTION 3.** That the City Commission designates the Property depicted on Exhibit "A" attached hereto and incorporated herein by reference, as a "brownfield area" for purposes of § 376.77 – 376.86, Florida Statutes.

**SECTION 4.** That the City Manager, or his designee, is hereby authorized to notify the Florida Department of Environmental Protection of the City Commission's resolution designating the Properties "brownfield areas" for purposes of § 376.77 – 376.86, Florida Statutes.

**SECTION 5.** This Resolution shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

jrm  
10/31/19  
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