



City Attorney's Communication #2019-1266
September 24, 2019

TO: Chris Clemens, AICP, Planner
FROM: Fawn Powers, Assistant City Attorney
RE: Resolution – Brownfield Area – 801 NE 33rd Street

As requested in your memorandum dated September 18, 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 PROPERTY LOCATED AT 801 NORTHEAST 33RD STREET, POMPANO BEACH, FLORIDA 33064 IDENTIFIED BY FOLIO NO. 4842-24-01-0090 AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), 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.

FAWN POWERS

FP/jmz
l:cor/planning/2019-1266f

Attachment

RESOLUTION NO. 2020-_____

**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 PROPERTY LOCATED AT 801 NORTHEAST 33RD STREET, POMPANO BEACH, FLORIDA 33064 IDENTIFIED BY FOLIO NO. 4842-24-01-0090 AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), 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, St. Elizabeth’s Garden Apartments, Ltd. owns the property located at 801 Northeast 33rd Street, Pompano Beach, Broward County, Florida, identified by Folio No. 4842-24-01-0090 (hereinafter the “Property”) depicted and more particularly described in Exhibit “A” and is developing it solely for residential use to provide affordable housing in accordance with Section 420.0004, Florida Statutes; and

WHEREAS, St. Elizabeth’s Garden Apartments, Ltd. has requested that the City Commission of Pompano Beach designate the Property as a “brownfield area” pursuant to §376.80(2)(c), Florida Statutes; and

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

1. St. Elizabeth’s Garden Apartments, Ltd. owns the Property which is proposed for designation and has agreed to rehabilitate and redevelop it;
2. The rehabilitation and redevelopment of the Property will result in economic productivity in the area;
3. The redevelopment of the Property is consistent with the City’s Comprehensive Plan and is a permissible use under the City’s Zoning and Land Development Code;
4. Proper notice of the proposed rehabilitation of the Property has been provided to neighbors and nearby residents, and St. Elizabeth’s Garden Apartments, Ltd. has provided those receiving notice the opportunity to provide comments and suggestions regarding the rehabilitation; and
5. St. Elizabeth’s Garden Apartments, Ltd. has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

WHEREAS, the City Commission desires to notify the Florida Department of Environmental Protection of its resolution designating the Property as a “brownfield area” to further its 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 St. Elizabeth's Garden Apartments, Ltd. has satisfied the criteria set forth in § 376.80(2)(c), 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 Property a "brownfield area" 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.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK



The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

2019 Exemptions and Taxable Values by Taxing Authority

Sales History

Land Calculations

Special Assessments

$$\text{Land } \Delta = 294,501 \text{ A} / 43860 = 6.76 \text{ AC}$$

EXHIBIT B

LEGAL DESCRIPTION

The West 470 feet of the East 1165 feet of Lots 3 and 4 of the Subdivision of Section-24, Township 48 South, Range 42 East, Plat Book "B", Page 164, of the Public Records of Dade County (now Broward County), Florida; less the South 25 feet in N.E. 33rd Street.