

**SITE ACCESS AGREEMENT
PERMISSION TO ENTER PROPERTY
BROWNFIELDS REDEVELOPMENT PROGRAM**

1. The City of Pompano Beach, the real property owner (“undersigned” or “owner”), hereby grants permission to the Broward County Environmental Protection and Growth Management Department (“EPGMD”), the Florida Department of Environmental Protection (“Department”), and its agents and subcontractors to enter the undersigned’s property located at 3190 NW 4th Street, Pompano Beach, Broward County, Florida 33069 and identified by parcel identification number 4842-32-19-0030 (the “Property”), as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number BF061702001, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by EPGMD or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the EPGMD, the Department, its agents, representatives or subcontractors:
 - a. Having access to areas where contamination may exist.
 - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
 - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the EPGMD or the Department, as applicable, will restore the Property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned’s successors and assigns for any contamination discovered on the Property.
5. The EPGMD, the Department, its agents, representatives or subcontractors may enter the Property during normal business hours and may also make special arrangements to enter the Property at other times after agreement from the undersigned.
6. The EPGMD and the Department acknowledge and accept any responsibility they may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the Property.
7. In exercising its access privileges, the EPGMD and the Department will take reasonable steps not to interfere with the owner’s operations, or the remediation and redevelopment activities pursuant to the BSRA.

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
GREGORY P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by **LAMAR FISHER** as Mayor, **GREGORY P. HARRISON** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

Accepted by the Department and EPGMD by the following authorized agent:

Signature of Department and EPGMD
Representative

Witness

Date

Date

Date: October 4, 2017

To: City of Pompano Beach City Commission

From: Capital Improvements Program

Re: Proposed Brownfield Area Designation – Pompano Beach Sports Park Reuse Area, located at 3190 NW 4th Street, Pompano Beach, Broward County, FL 33069, and Identified by Folio Number 4842-32-19-0030

RECOMMENDATION

As a part of the City of Pompano Beach's (the "City") efforts to spark environmental rehabilitation and increase redevelopment, the City's Capital Improvement Program ("Staff") recommends City Commission approval of designating the approximately 11.76-acre property owned by City, located at 3190 NW 4th Street, Pompano Beach, Broward County, FL 33069, and Identified by Folio Number 4842-32-19-0030 (the "Subject Property"), a Brownfield area pursuant to §376.80(2)(a), Florida Statutes.¹ Approving this request will enable the Subject Property to be eligible for certain financial and regulatory incentives that will limit the cost of environmental remediation, partially subsidize certain City and developer costs, make commercial financing more readily available, and attract additional private sector investment both at and beyond the Subject Property. All applicable statutory criteria for the City Commission to approve the designation have been met.

BACKGROUND

The Subject Property is a portion of a former golf course² that operated from the 1960s through approximately 2004. A review of historical aerial photographs suggests that between 1949 and its redevelopment as a golf course, the property was utilized for agricultural purposes. Prior to 1949, the site appeared to be primarily undeveloped. Contamination assessment activities starting in late 2006 and proceeding to date have focused on potential impacts associated with the maintenance and care of the golf course areas, particularly the tees and greens. Lab analysis of soil testing conducted over a period of ten years has confirmed arsenic and dieldrin in excess of both residential cleanup criteria and industrial cleanup criteria. Arsenic above the applicable cleanup target level during this same time frame has also been documented in groundwater. The arsenic contamination in soil and groundwater is found to be "widespread throughout the site." Dieldrin impacts in soil, however, are limited to former green locations.³ In terms of remediation, soil excavation and removal is proposed at each of the tee and green areas and in one of the

¹ The site map attached as Exhibit A shows the location of the Subject Property.

² According to the City's retained environmental consultant, Cardno, the property occupied the easternmost portion of the former golf course, primarily holes 10 and 11 and portions of holes 9 and 12. The balance of the historical golf course is under development by three separate entities for multifamily and single family residential reuse, all with separately designated brownfield areas.

³ For the distribution of contamination in soil and groundwater, see Exhibit B.

fairway areas.⁴ An institutional control in the form of a Declaration of Restrictive Covenant (“DRC”) will also be used to reduce the risk of direct contact. There is a currently a DRC in place restricting use of groundwater at the property.

THE FLORIDA BROWNFIELD PROGRAM

The purpose of designating a Brownfield area is to promote environmental restoration, economic redevelopment, and more sustainable growth patterns, among other purposes. Environmental restoration of vacant or underutilized property has been historically proven to remove stigma, reduce blight, improve air and stormwater quality, eliminate environmental health hazards, and in turn, spur redevelopment and revitalization.

Since 1997, Florida’s Brownfields Program (“FBP”) has made a wide array of financial, regulatory, and technical incentives available to local governments, businesses, and communities to catalyze environmental cleanup and economic redevelopment of marginalized or otherwise underutilized properties. In doing so, the FBP has encouraged confidence in neighborhood revitalization and investment of private capital in land reuse and job creation in hundreds of communities throughout Florida. According to figures provided by the State of Florida Department of Environmental Protection (“FDEP”), as of August 3, 2017, 432 areas covering more than 266,495.3 acres have been designated as Brownfields, generating over \$2.7 billion in private capital investment. Brownfield areas have enjoyed a wide range of redevelopment uses, including affordable housing, community health clinics, retail and commercial, renewable energy, transportation facilities, and conservation and recreation.⁵

Fla. Stat. Section 376.79(5) defines a “Brownfield area” to mean, in material part, a contiguous area of one or more Brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. The term “Brownfield site” is defined at Fla. Stat. Section 376.79(4) to mean “real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.” The Subject property squarely falls within the definition of a “Brownfield site” in that there is actual contamination which has complicated and will continue to complicate redevelopment and reuse. Such complication consists, in part, of the excessive costs associated with contamination assessment and response (currently estimated to exceed \$1.4 million), the potential environmental regulatory and third-party legal liabilities associated with owning and developing the subject property, the anticipated lender concerns that will need to be addressed (at significant expense) to secure financing for site development, construction, and operational purposes, and the design modifications to the project that will be required to properly manage contaminated media during site development and construction activities. The FBP provides a very meaningful option, through an array of economic and regulatory incentives, to overcome these complications and

⁴ For areas of likely impacted soil excavation, see Exhibit C.

⁵ A discussion of brownfield case studies throughout the State, prepared by FDEP, can be found here: http://www.dep.state.fl.us/waste/quick_topics/publications/wc/brownfields/AnnualReport/2017/2016-17_FDEP_Annual.pdf.

allow the City and the project developer to continue to move forward.⁶ Such incentives include but are not limited to the following:

- A Florida Corporate Income Tax Credit of 75% - 100% of eligible contamination response costs, which have historically been sold for 90 cents on the dollar. This program is governed by Fla. Stat. § 376.30781
- A Florida Tax Refund of up to \$2,500.00 for job creation that meets certain statutory criteria. This program is governed by Fla. Stat. § 288.106.⁷
- Liability protection for the City, the project developer, and any project lender against third party claims for property damage, injunctive relief, and cost recovery. The statutory basis for this protection can be found at Fla. Stat. §§ 376.82(2)(a), 376.82(2)(h) and 376.82(4), as applicable.

Staff believes each of these incentives are likely available to the City and the project developer if pursued on a timely basis and that they could be quite significant. The Florida Corporate Income Tax Credit alone is projected to generate a cash return to the City and/or the project developer of between \$875,000.00 and \$1.1 million. The job creation incentive could conceivably generate another \$250,000.00 in cash, which would be in the form of refunded state taxes to the party creating the jobs.

THE BROWNFIELD AREA DESIGNATION PROCESS

Designations of Brownfield Areas in Florida are governed by the provisions of Fla. Stat. § 376.80 of Florida's Brownfields Redevelopment Act (the "Act").⁸ The Act creates a two-tiered process, recognizing a distinction between designations that are brought forward by the jurisdictional local government itself and those brought forward by any other non-governmental party. Compare Fla. Stat. § 376.80(1)(b)1 and § 376.80(1)(b)2. Within the self-designation process established for jurisdictional local governments, the Act creates yet another distinction – sites that lie within specified "redevelopment areas" versus those outside such areas. See Fla. Stat. § 376.80(1)(b)1. These specified redevelopment areas are enumerated at Fla. Stat. §376.80(2)(b) and consist of community redevelopment areas, enterprise zones, empowerment zones, closed military bases, and designated Brownfield pilot project areas.

The Subject Property does not fall into any of the Fla. Stat. §376.80(2)(b) specified redevelopment areas and, accordingly, the designation criteria under Fla. Stat. §376.80(2)(a) apply. See Fla. Stat. §376.80(1)(b)1. Accordingly, to properly designate a Brownfield Area under Fla. Stat. §376.80(2)(a), the City is required to take the following steps:

- (i) adopt a Resolution pursuant to Fla. Stat. §376.80(1)(c)2;

⁶ For a summary of such incentives available at the state level, see Exhibit D.

⁷ A list of taxes eligible for the refund can be found at Fla. Stat. §288.106(3)(d).

⁸ A complete copy of Fla. Stat. § 376.80 can be found at Exhibit E.

- (ii) comply with enumerated notice and public hearings requirements pursuant to Fla. Stat. §376.80(1)(c)4; and
- (iii) at a public hearing, consider the following four factors:
 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 reasonably 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.

APPLICATION OF BROWNFIELD AREA DESIGNATION CRITERIA

A. Adoption of a Resolution

In cross-referencing Fla. Stat. §166.041(3)(c)2,⁹ Fla. Stat. §376.80(1)(c)2 of the Act incorporates certain notification and procedural criteria otherwise applicable to ordinances to the adoption of the designation resolution. Among other requirements, instead of allowing for adoption of a Resolution with a single public hearing (as would be the case with adoption of an Ordinance), the Act requires two advertised public hearings. See Fla. Stat. §166.041(3)(c)2.a. One of the two such hearings must be held after 5 p.m. on a weekday unless the local governing body by a majority plus one vote elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing. Staff has met all applicable criteria, including holding two public hearings on the proposed Resolution, the first of which is scheduled for October 10, 2017, and the second for October 24, 2017. Both public hearings are scheduled to be held after 5 p.m.

B. Compliance with Enumerated Notice and Public Hearing Requirements

Fla. Stat. § 376.80(1)(c)4.a states that at “least one of the required public hearings shall be conducted as closely as is reasonably practical to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents’ considerations, and other relevant local concerns. Staff considers the Commission chambers to be sufficiently close to the proposed area to be designated as is reasonably practical given the physical proximity of the Chambers to the subject property, the disruption to the Commission’s schedule to reconvene at the subject property, the lack of any formal meeting facility with adequate facilities

⁹ A complete copy of Fla. Stat. § 166.041 can be found at [Exhibit F](#).

at the subject property (currently vacant lot undergoing construction), the fact that all previous Commission decisions regarding acquisition and redevelopment of the subject property have occurred at Commission Chambers, and the expectation by community members that any subsequent decisions by the Commission regarding the subject property will occur in Chambers.

Fla. Stat. § 376.80(1)(c)4.b requires that notice of the public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. Staff has complied with all of these criteria. Notice has been published in a newspaper of general circulation¹⁰ and a local community bulletin,¹¹ posted in the affected area,¹² and is being announced at the beginning of the October 10, 2017, City Commission meeting, which is prior to the actual public hearing.

C. “Consideration” of the Four Statutory Criteria

Staff has carefully considered¹³ the four designation criteria established in Fla. Stat. §376.80(2)(a) for properties to be designated a Brownfield area by a local government and that are outside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated Brownfield pilot project area. After such consideration, staff concludes as follows:

- **The proposed Brownfield area warrants economic development and has a reasonable potential for such activities.** Prior to initiating the redevelopment process through Request for Proposal L-40-16, the subject property remained fallow and, as a result of being owned by the City, failed to generate any tax revenue. To this day, the property constitutes a significant contingent liability to the City as a result of documented contamination and the costs associated with implementing appropriate response actions to protect human health and the environment, including but not limited to engaging qualified remediation contractors to perform the assessment and remediation activities required by law under the oversight of Broward County EPGMD and/or FDEP. Economic development is a proven vehicle for restoring the financial viability of this type of property, sparking interest and capital investment by the private sector and leveraging public incentive programs to create new tax revenues for the City, important amenities and services for the City’s residents, and a subsidized and regulatory enhanced process for contamination response activities. The property not only has a reasonable potential for

¹⁰ See Exhibit G.

¹¹ See Exhibit H.

¹² See Exhibit I.

¹³ Note that the statute does not require a particular finding with respect to any of the four enumerated criteria, only that they be “considered.” Contrast this discretion with the standard imposed on private parties seeking a Brownfield area designation pursuant to Fla. Stat. 376.80(2)(c). In such cases, a designation request may only be approved where the applicant “establishes” the applicable enumerated criteria: “For designation of a brownfield area that is *proposed by a person other than the local government*, the local government with jurisdiction over the proposed brownfield area shall . . . adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) *if, at the public hearing to adopt the resolution, the person establishes all of the following . . .*”

such activities but has resulted in an actual commitment from the selected respondent to the RFP, Azur Equities, LLC (“Azur”). As discussed in more detail below, Azur’s investment alone is likely to exceed \$9.2 million merely for the development and construction phase alone.¹⁴ Significant additional economic investment is contemplated by Azur’s partners and patrons. As stated by Alec Papadakis, CEO of The Professional Development League (“PDL”),¹⁵ to Mayor Fisher in a letter supporting Azur’s application to the City for the property:

. . . we believe that the proposed project would be a tremendous addition . . . and would present a number of economically impactful possibilities, whether drawing professional teams for preseason training, hosting youth tournaments, or hosting other sporting events, concerts., etc. One of the key components of the success of any of our teams is that they invest and become engrained in the fabric of their community¹⁶

- The proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage. The proposed area to be designated represents a carefully focused approach to redevelopment, emphasizing a calibrated mix of recreational, public health, residential, and public and private revenue generating type activities that leverages proximity to the City’s residents and multiple forms of transit, existing infrastructure, a decreased reliance on individually-owned cars, and the seamless integration of the built environment with the natural environment by mandating private sector investment in accelerating remediation, incorporating green construction materials, improving stormwater quality, and engaging in climate-stewardship initiatives. Additionally, at just under 12 acres, the area to be designated is not overly large in geographic coverage. As reflected in Table 1 below, there are more than 279 designated Brownfield areas in Florida that are *larger* than the area proposed for designation by the City, including 23 that are between 50 and 100 acres in size, 58 that are between 100 and 500 acres in size, 32 that are between 500 acres and 1000 acres in size, 46 that are between 1,000 and 5,000 acres in size, 8 that are between 5,000 and 10,000 acres in size, and 6 that are even greater than 10,000 acres in size.

¹⁴ See Exhibit J.

¹⁵ PDL is proposed to be a heavy user of the facility when developed.

¹⁶ A complete copy of the letter can be found at Exhibit K.

Table 1 - Analysis of Designated Brownfield Areas in Florida by Acreage Range (Based on FDEP Brownfield Area Monthly Status Report Dated August 3, 2017)		
Size range	# of Brownfield Areas within Category	% of All Brownfield Area Designations per Category
< 1.0 acre	29	6.79%
1.1 - 5.0 acres	62	14.52%
5.1 - 10.0 acres	57	13.34%
10.1 - 50.0 acres	105	24.59%
50.1 -100.0 acres	23	5.39%
100.1 - 500.0 acres	58	13.58%
500.1 - 1,000.0 acres	33	7.73%
1,000.1 - 5,000.0 acres	46	10.77%
5,000.1 - 10,000.0 acres	8	1.87%
>10,000.0 acres	6	1.41%
Total	427¹⁷	100.00%

- The proposed area has the potential to interest the private sector in participating in rehabilitation. Two responses were received to the solicitation for development proposals, with Azur having been selected as the highest ranking bidder.¹⁸ Azur's proposal to the City included cash revenues to lease the land, priority to businesses located in Pompano Beach for construction contracts, significant commitments to local minority contractors, and local employment opportunities for security, landscaping, maintenance, food and beverage services, wait staff, cooks, photographers and videographers, logistics providers, among others.¹⁹ Additional private sector contracting opportunities will be available for contamination assessment and remediation activities as well as construction of the residential component of the project (approximately 48 townhouses and apartments as a first phase). Azur is projecting \$9,232,000.00 in development and construction costs,²⁰ and staff estimates that the cost of contamination response will approach, if not exceed, \$1.4 million,²¹ creating an aggregate total of more than \$10.5 million in economic opportunity for the private sector. Azur has also provided documentation to the City indicating that Centennial Bank and Valley National Bank are expressly interested in participating in the project by providing financing (subject to underwriting).²²
- The proposed area contains land suitable for limited recreational open space. To this point, Bermello Ajamil & Partners, Inc. issued a report in July 2013 indicating a

¹⁷ FDEP reported 0.0 acres for 4 designations in Pensacola in 2009 and 1 in Brevard County in 2012. Accordingly, they are not included in the analysis, and the total count reflected in the matrix trails the official FDEP count.

¹⁸ See Exhibit L.

¹⁹ See Exhibit M.

²⁰ See footnote 14.

²¹ See Exhibit N.

²² See Exhibit O.

significant need for additional recreational land in this part of the City (the Collier City neighborhood) and that the proposed use of the land for a sports complex would meet this need.²³ In March of 2012, staff made a presentation to the City Commission in which it was recommended that the property be acquired for such a purpose (along with an additional 1.5 acres, resulting in the current configuration). Given its location and size, Azur contemplates a 1,000 – 4,000 seat soccer stadium, a 14,000 square foot clubhouse, 3 regulation soccer fields, a rooftop soccer field, 3 multi-sport fields, classrooms, and related facilities.²⁴ Azur projects that, separate and apart from operation of the property for its core business, facilities at the property will be used annually no less than 131 times by local groups, including amateur league teams (26 times), youth league teams (30 times), adult league teams (20 times), summer camp operator(s) (35 times), and various tournament operators (20 times).²⁵

IMPACT OF THE BROWNFIELD AREA DESIGNATION ON THE CITY

Approval of the Brownfield area designation request will enable the City and the City's selected developer to access key economic and regulatory incentives to lower the cost and diminish the legal liability risk associated with addressing contamination issues during redevelopment and thereafter. Such incentives will put the project on firmer financial ground, make commercial financing easier to obtain, return cash to the City's General Fund, accelerate contamination remediation, and likely spark addition investment in redevelopment by the private sector in close proximity to the Subject Property. Accordingly, adoption of Staff's recommendation to approve the designation request will not adversely impact but rather enhance the City's operations and increase the many perceived benefits associated with redevelopment of the Subject Property. A companion Resolution will be brought forward at the second public hearing to authorize the City Manager to enter into a Brownfield Site Rehabilitation Agreement ("BSRA") with the Broward County EPGMD. Execution of this document is the statutory mechanism that triggers environmental liability protection and eligibility for the credits and tax refunds discussed above.

CONCLUSION

Based on the above analysis, Staff is of the opinion that designating the Subject Property a Brownfield area directly aligns with the City's efforts to spark environmental rehabilitation and increase redevelopment. Additionally, Staff concludes that all of the applicable criteria for designation of the subject property as a Brownfield area pursuant to Fla. Stat. §376.80(2)(a) have been met and that such designation will greatly benefit the City, the City's businesses, taxpayers and residents, and the project developer by lowering the cost and limiting the considerable legal and regulatory risk associated with cleanup and reuse. For these reasons, staff strongly recommends that the City Commission approve the attached Brownfield area Resolution for the Subject Property.²⁶

²³ See Exhibit P.

²⁴ See Exhibit Q.

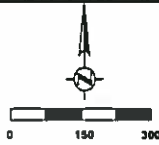
²⁵ See Exhibit R.

²⁶ See Exhibit S.

Exhibit A



Dashed Line = Approximate Site Boundary (For reference purposes only, not a map of survey)
Image Source: FDOT APLUS
Image Acquired: 2015



NW 31st Avenue
Pompano Beach, Broward County, Florida
Parcel ID No. 484232190030

Figure 2
Site Boundary Map

Exhibit B

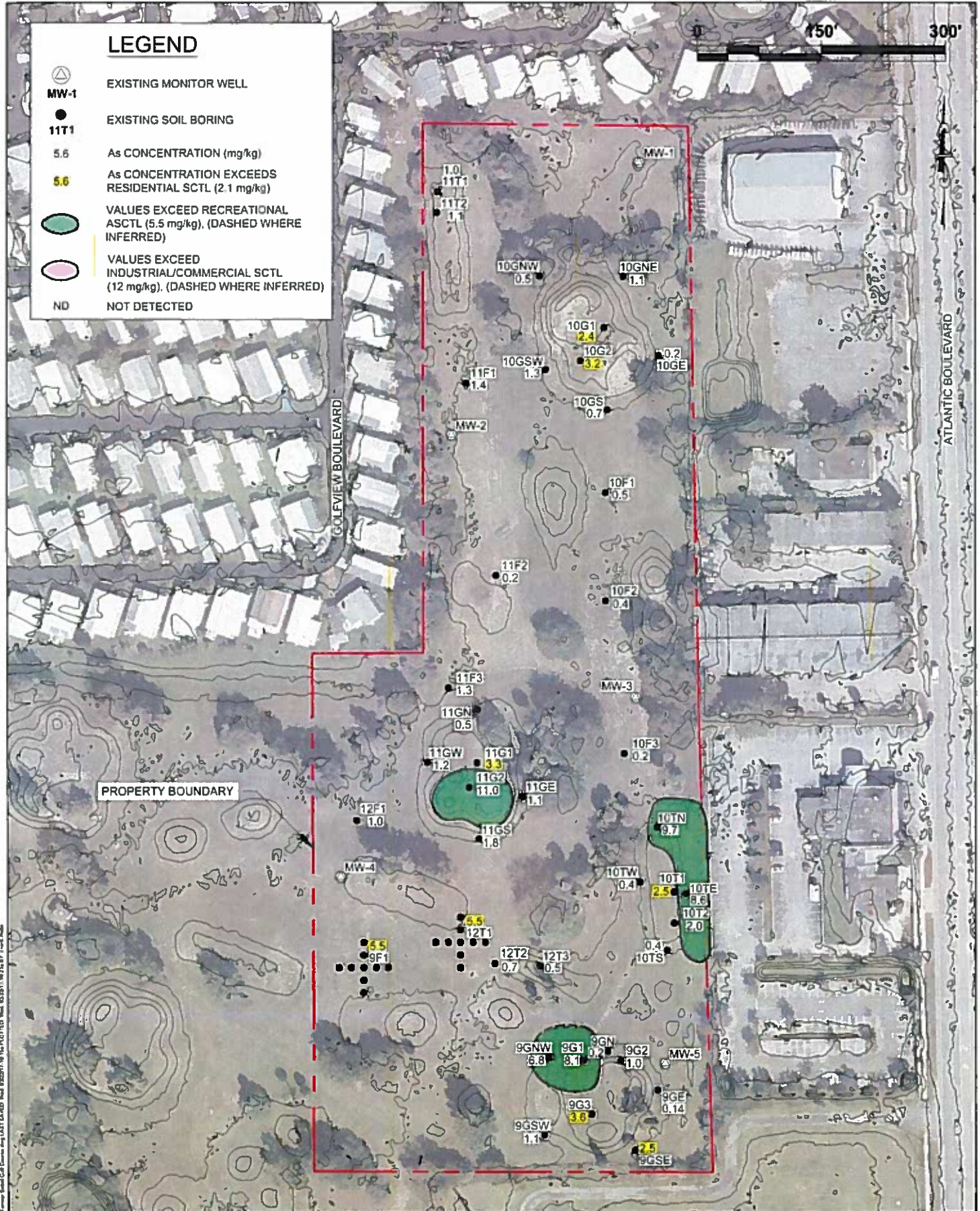
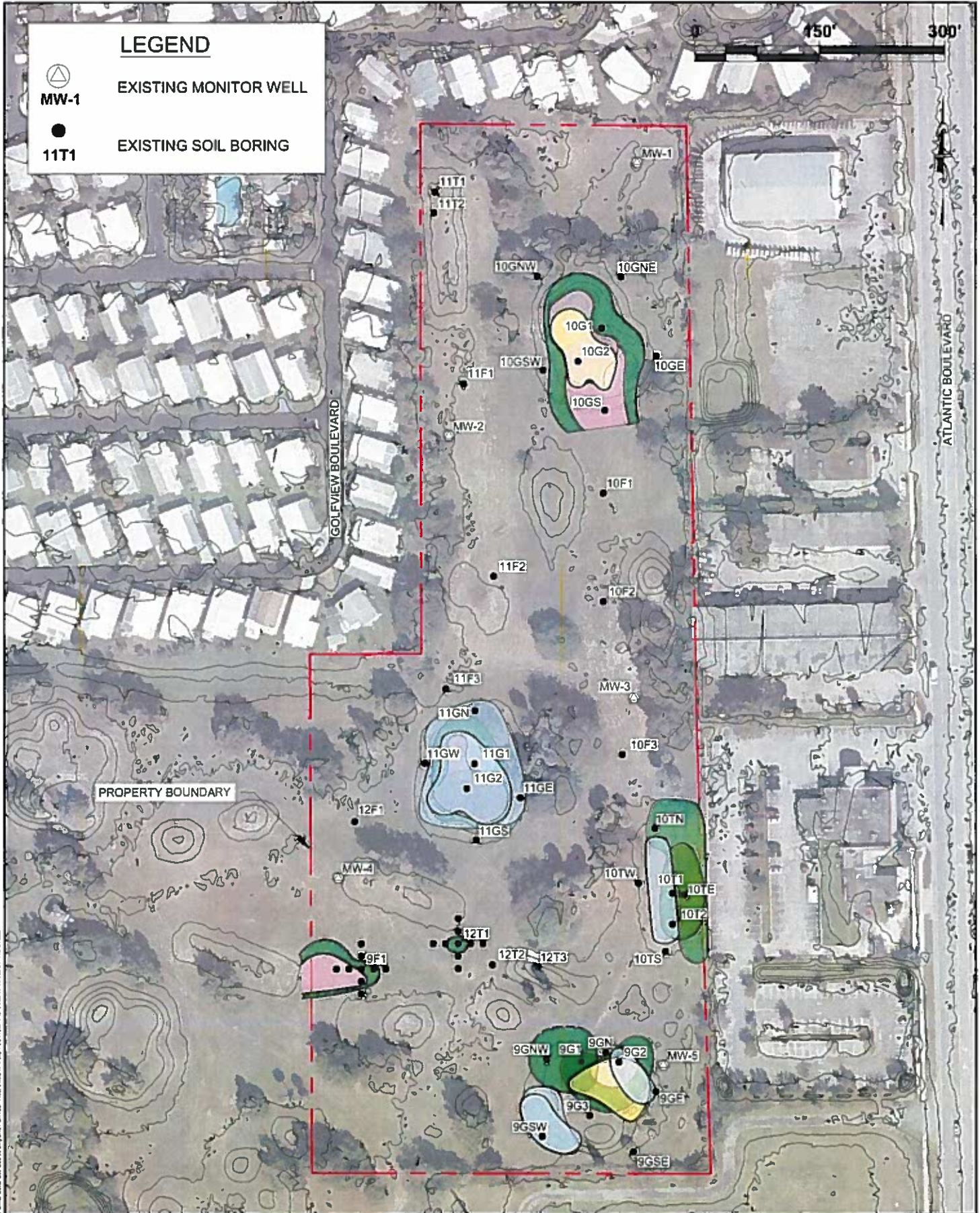


Exhibit C

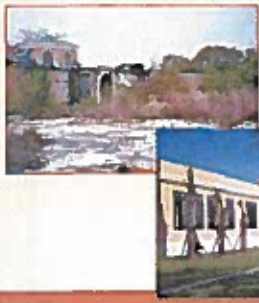


FORMER SABAL GOLF COURSE SITE
 PHASE II ENVIRONMENTAL SITE ASSESSMENT
 POMPANO BEACH, BROWARD COUNTY, FLORIDA

FIGURE 12
 APPROXIMATE AREAS OF
 IMPACTED SOIL FROM 0' TO 2' BLS

FILE: J:\03202020\2020 SABAL GOLF COURSE PHASE II ENVIRONMENTAL SITE ASSESSMENT\FIGURE 12.DWG DATE: 11/11/2020 11:13 AM BY: FRANK MULLER

Exhibit D

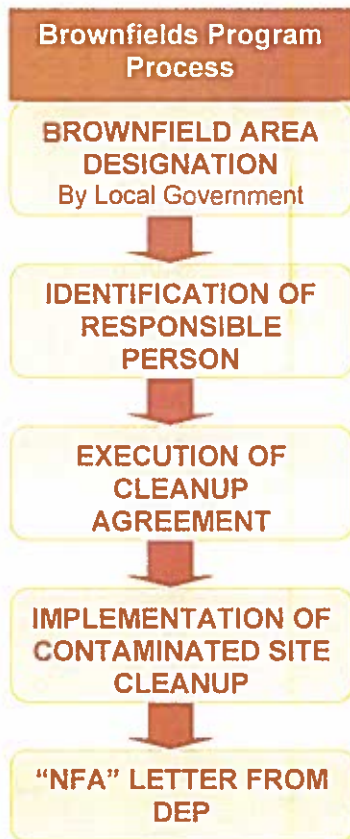


FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

TRANSFORMING COMMUNITIES

Brownfield site means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3), F.S.

Brownfield area means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4), F.S.



BROWNFIELDS PROGRAM BENEFITS

Brownfield Area Designation

- Bonus refund for job creation—up to \$2,500 per job
- Loan guarantees for primary lenders
 - ◆ Up to 50% on all sites
 - ◆ Up to 75% when end use is affordable housing
- Sales tax credit on building materials
- Brownfield area benefits administered by Enterprise Florida, Inc.

Brownfield Site Rehabilitation Agreement

- All benefits of Brownfield Area
- Regulatory framework for cleanup (Chapter 62-785, F.A.C.)
- Dedicated staff—expedited technical review
- Liability protection
- Tax credits
 - ◆ Florida corporate income tax
 - ◆ Credits may be transferred one time
- Brownfield Site Rehabilitation Agreement benefits administered by DEP

BROWNFIELD PROGRAM TERMS

Responsible Person—Person Responsible for Brownfield Site Rehabilitation or PRFBSR

Agreement—Brownfield Site Rehabilitation Agreement or BSRA

NFA—No Further Action (i.e., Site Rehabilitation Completion Order or SRCO)

Summary of Available Tax Credits			
Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 6/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e. SRCO)	Once	25%	\$500,000
Affordable Housing, health care facility or health care provider	Once	25%	\$500,000
Solid Waste (Removal, Transport, and Disposal)	Once	50%	\$500,000

Exhibit E

Select Year:

The 2017 Florida Statutes

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 376](#)
POLLUTANT DISCHARGE PREVENTION
AND REMOVAL

[View Entire
Chapter](#)

376.80 Brownfield program administration process.—

(1) The following general procedures apply to brownfield designations:

(a) The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.

(b) For a brownfield area designation proposed by:

1. The jurisdictional local government, the designation criteria under paragraph (2)(a) apply, except if the local government proposes to designate as a brownfield area a specified redevelopment area as provided in paragraph (2)(b).

2. Any person, other than a governmental entity, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, or not-for-profit corporations, the designation criteria under paragraph (2)(c) apply.

(c) Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:

1. Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of its decision to designate a brownfield area for rehabilitation for the purposes of ss. [376.77-376.86](#). The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of the designation within 30 days after adoption of the resolution.

2. Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [166.041](#), except that the procedures for the public hearings on the proposed resolution must be in the form established in s. [166.041\(3\)\(c\)2](#). For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [125.66](#), except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. [125.66\(4\)\(b\)](#).

3. Right to be removed from proposed brownfield area.—If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request.

4. Notice and public hearing requirements for designation of a proposed brownfield area outside a redevelopment area or by a nongovernmental entity. Compliance with the following provisions is required before designation of a proposed brownfield area under paragraph (2)(a) or paragraph (2)(c):

a. At least one of the required public hearings shall be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns.

b. Notice of a public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

(2)(a) *Local government-proposed brownfield area designation outside specified redevelopment areas.*—If a local government proposes to designate a brownfield area that is outside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area, the local government shall provide notice, adopt the resolution, and conduct public hearings pursuant to paragraph (1)(c). At a public hearing to designate the proposed brownfield area, the local government must consider:

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 reasonably 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.

(b) *Local government-proposed brownfield area designation within specified redevelopment areas.*—Paragraph (a) does not apply to a proposed brownfield area if the local government proposes to designate the brownfield area inside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area and the local government complies with paragraph (1)(c).

(c) *Brownfield area designation proposed by persons other than a governmental entity.*—For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. 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. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. [420.0004](#) or the creation of recreational areas, conservation areas, or parks.
3. 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.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. 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.

(d) *Negotiation of brownfield site rehabilitation agreement.*—The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination

changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review any proposed redevelopment agreements prepared pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement.

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department.

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules.

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. [376.81](#), including any applicable requirements for risk-based corrective action.

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents.

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation.

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. [376.77-376.86](#), and that will improve or enhance the brownfield site rehabilitation process.

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into

account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials.

(i) Certification that the person responsible for brownfield site rehabilitation has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Certification shall be accomplished by referencing or providing a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government's approval of proposed redevelopment of the brownfield site; providing a copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or providing a letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government's agreement with or approval of the proposed redevelopment.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

- (a) Meets all certification and license requirements imposed by law; and
- (b) Will conduct sample collection and analyses pursuant to department rules.

(7) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(8) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(9) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfield program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

- (a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfield program; and
- (b) Provide for the enforcement of the requirements of the delegated brownfield program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfield program as established by the act and the relevant rules and other criteria of the department.

(10) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and

environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

(11)(a) The Legislature finds and declares that:

1. Brownfield site rehabilitation and redevelopment can improve the overall health of a community and the quality of life for communities, including for individuals living in such communities.
2. The community health benefits of brownfield site rehabilitation and redevelopment should be better measured in order to achieve the legislative intent as expressed in s. 376.78.
3. There is a need in this state to define and better measure the community health benefits of brownfield site rehabilitation and redevelopment.
4. Funding sources should be established to support efforts by the state and local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, to evaluate the community health benefits of brownfield site rehabilitation and redevelopment.

(b) Local governments may and are encouraged to evaluate the community health benefits and effects of brownfield site rehabilitation and redevelopment in connection with brownfield areas located within their jurisdictions. Factors that may be evaluated and monitored before and after brownfield site rehabilitation and redevelopment include, but are not limited to:

1. Health status, disease distribution, and quality of life measures regarding populations living in or around brownfield sites that have been rehabilitated and redeveloped.
2. Access to primary and other health care or health services for persons living in or around brownfield sites that have been rehabilitated and redeveloped.
3. Any new or increased access to open, green, park, or other recreational spaces that provide recreational opportunities for individuals living in or around brownfield sites that have been rehabilitated and redeveloped.
4. Other factors described in rules adopted by the Department of Environmental Protection or the Department of Health, as applicable.

(c) The Department of Health may and is encouraged to assist local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, in evaluating the community health benefits of brownfield site rehabilitation and redevelopment.

(12) A local government that designates a brownfield area pursuant to this section is not required to use the term "brownfield area" within the name of the brownfield area designated by the local government.

History.—s. 4, ch. 97-277; s. 3, ch. 98-75; s. 11, ch. 2000-317; s. 2, ch. 2004-40; s. 44, ch. 2005-2; s. 7, ch. 2006-291; s. 5, ch. 2008-239; s. 2, ch. 2014-114.

Exhibit F

Select Year:

The 2017 Florida Statutes

[Title XII](#)
MUNICIPALITIES

[Chapter 166](#)
MUNICIPALITIES

[View Entire Chapter](#)

166.041 Procedures for adoption of ordinances and resolutions.—

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) “Ordinance” means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) “Resolution” means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph (a) of this subsection. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part.

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance) .

A public hearing on the ordinance will be held on (date and time) at (meeting place) .

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

(7) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and

waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(8) The notice procedures required by this section are established as minimum notice procedures.

History.—s. 1, ch. 73-129; s. 2, ch. 76-155; s. 2, ch. 77-331; s. 1, ch. 83-240; s. 1, ch. 83-301; s. 2, ch. 95-198; s. 5, ch. 95-310; s. 5, ch. 2012-212.

Exhibit G

NOTICE OF PUBLIC HEARINGS TO CONSIDER ADOPTION OF RESOLUTION DESIGNATING BROWNFIELD AREA (P.N. 2018-03)

NOTICE IS HEREBY GIVEN that the City Commission of the City of Pompano Beach, Florida, will hold public hearings on October 10, 2017 and October 24, 2017, at 6:00 p.m. in City Commission Chambers, located at 100 West Atlantic Boulevard, Pompano Beach, FL, in order to consider adoption of the following resolution:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY REFERRED TO AS RESIDENCES AT PALM AIRE PARCEL C, LOCATED AT 3190 NW 4th STREET, POMPANO BEACH, FLORIDA 33069, FOLIO NUMBER 4842-32-19-0030, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2) (A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

The location of the proposed Brownfield Area is as presented on the map published with this notice. If any person decides to appeal any decision made by the City Commission with respect to any matter considered at the public hearing, that person will need a record of the proceedings and that for such purpose affected persons may need to ensure that a verbatim record of the proceedings is made and that such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the American with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Pompano Beach at least 48 hours prior to the meeting at (954) 786-4613 or asceleta.hammond@copbf.com.

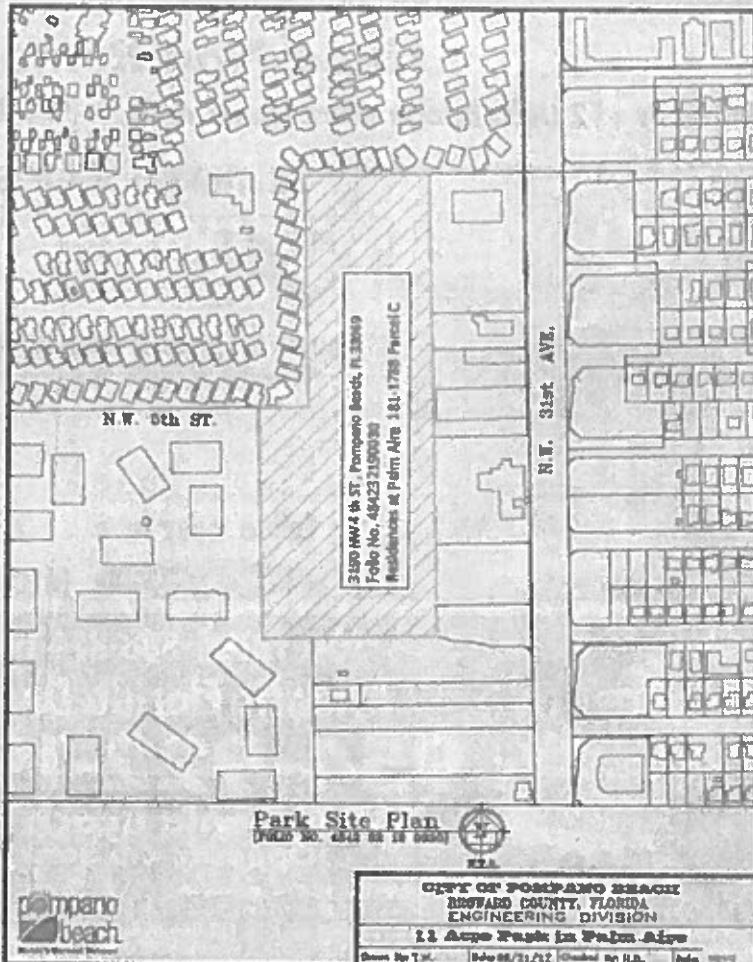


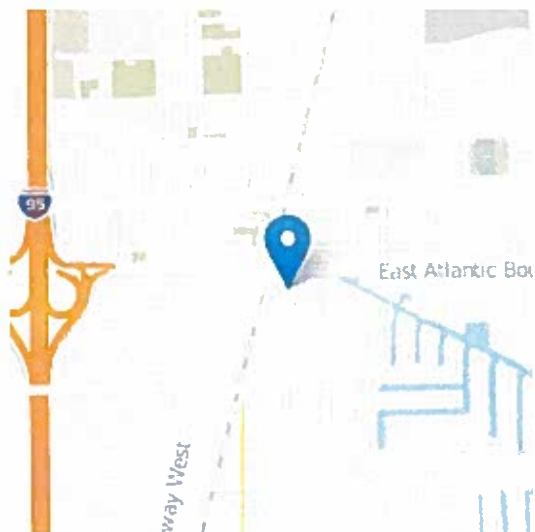
Exhibit H

CL south florida > broward county > community > general community

Posted a day ago on: 2017-09-30 3:13pm

Contact Information:

Notice of Public Hearings - Designation of Brownfield Area (Pompano Beach)



100 West Atlantic Boulevard

NOTICE OF PUBLIC HEARINGS TO CONSIDER ADOPTION OF RESOLUTION DESIGNATING BROWNFIELD AREA

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RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY REFERRED TO AS RESIDENCES AT PALM AIRE PARCEL C, LOCATED AT 3190 NW 4th STREET, POMPANO BEACH, FLORIDA 33069, FOLIO NUMBER 4842-32-19-0030, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

QR Code Link to This Post



Any questions regarding the designation may be directed to Michael R. Goldstein by phone at [show contact info](#) or via email at [show contact info](#).

Exhibit I





Exhibit J

DEVELOPMENT COSTS OF BUILDINGS

RESIDENCES

NUMBER OF UNITS	80
Unit avg size Sq.Ft. including common area	570 Sq.ft.
Cost for Construction per sqf.	\$120
Avg cost construction per unit	\$68,400
TOTAL COST OF THE RESIDENCES	\$5,472,000

CLUBHOUSE & SPORTS CENTER

NUMBER OF BUILDINGS	2
Clubhouse size Sq.Ft.	13,000 Sq.ft.
Sports Center size	7,000 Sq.ft.
Cost of Clubhouse & Sports center	\$120
TOTAL COST OF BUILDINGS	\$2,400,000

DEVELOPMENT CONSULTING COSTS: **\$1,360,000**

SPORTS FACILITIES

- A 1,000 seats stadium.
- 3 full size grass soccer fields @ \$150,000.00 per \$450,000.00
- 3 7v7 small turf fields @ \$80,000.00 per \$240,000.00
- 3 multipurpose covered courts @ \$80,000.00 per \$240,000.00
- Airnasium \$200,000.00
- A gym \$40,000.00
- A trainer facility
- Home main locker room.
- Visitor main locker room.
- 4 small locker room.

BREAKDOWN COSTS OF CONSTRUCTION

		Estimated Budget	Avg Per Unit
CONSTRUCTION BREAKDOWN			
Soft Cost (Impact Fees, Permits, Ingenierie, Loan Interest, etc)	7%	\$551,040.00	\$6,888.00
Site Preparation & Shell	25%	\$1,968,000.00	\$24,600.00
Electricity, Plumbing, A/C	17%	\$1,338,240.00	\$16,728.00
Glass	7%	\$551,040.00	\$6,888.00
Roof & Insulations	5%	\$393,600.00	\$4,920.00
Interiors (Partitions, Carpenter, Painting, etc...)	14%	\$1,102,080.00	\$13,776.00
Cabinets, Appliances, Fixtures...	13%	\$1,023,360.00	\$12,792.00
Exterior (Landscape, Pavers, Irrigation, Amenities)	12%	\$944,640.00	\$11,808.00
	100%	\$7,872,000.00	\$98,400.00

DEV COST, LAND + CONSTRUCTION BUDGET	\$9,232,000.00
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Avg cost per Unit	\$115,400.00	\$115,275.00
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These numbers already include our contingency



Exhibit K



June 20, 2016

Mayor Lamar Fisher
City of Pompano Beach
100 West Atlantic Blvd.
Pompano Beach, FL 33060

Dear Mayor Fisher and Commissioners of the City of Pompano Beach:

The Premier Development League (the PDL) submits this letter in support of the Floridians' Sports Park & Residences. As a brief background, the PDL is an elite, amateur development league with 67 teams spread across the United States and Canada. It is currently considered the top level of men's amateur soccer competition in the United States. It is supported and operated by the United Soccer League (USL) and is sanctioned by the United States Soccer Federation. The Floridians have participated in the PDL since 2014 and have the exclusive right to operate a PDL team in Broward County, FL.

From our discussions with the Floridians in regard to the Sports Park & Residences, we believe that the proposed project would be a tremendous addition to Broward County and would present a number of economically impactful possibilities, whether drawing professional teams for preseason training, hosting youth tournaments, or hosting other sporting events, concerts, etc. One of the key components of the success of any of our PDL teams is that they invest and become engrained in the fabric of their community, and completing this ambitious project would do just that.

We look forward to following the progress of the project and have asked Mr. Gotsman and the Floridians to keep us informed as to any future developments. Should you have any questions, please do not hesitate to contact me at your convenience.

Regards,



Alec Papadakis
Chief Executive Officer

1715 N. Westshore Boulevard, Suite 825
Tampa, FL 33607 • P: (813) 963-3909 • F: (813) 963-3807



Exhibit L

M E M O R A N D U M

Purchasing #17-046
December 22, 2016

To: Dennis W. Beach, City Manager
Through: Otis J. Thomas, General Services Director
From: Cassandra LeMasurier, Purchasing Supervisor
Subject: Background L-40-16, 11 Acre Parks and Recreation Site Development

Contract Need/Background

The Request for Proposal L-40-16 was issued to select a qualified firm to finance, design, construct, operate and maintain the 11.756 undeveloped Palm Aire Parcel C under a long-term contract with the City. Jonathan Nasser, Interim Recreation Manager, provided the scope of services.

Bidders List

The notice list for this project was created by using companies suggested by the requesting department, companies that have requested their names be placed on the bid list, and companies from appropriate listings in other sources.

Number of firms submitting proposals2

Advertising

The RFP was advertised in the Sun Sentinel, and notices were sent to bid notice agencies throughout the nation. The RFP package was also posted in the City's eBid System for download by interested firms and an email notice was sent to all registered bidders.

Market Research

The General Services Department conducted outreach to eight (8) Pompano Beach Parks and Recreation Facility Construction and Athletic Facility Property Rental and Leasing companies, to notify them of this opportunity.

Selection/Evaluation Committee

Two (2) responses were received to the solicitation. The Selection/Evaluation Committee met on July 19, 2016 (in a public meeting) to review and evaluate the responses. All responses were scored, and the Committee decided that oral presentations would not be required as the scoring results showed sufficient distinction between the responding firms. Copies of the minutes, voting matrix, and scoring sheets are attached.

Recommendation

The recommendation from the Selection/Evaluation Committee to the City Commission is to approve the ranking order, and authorize the City staff to negotiate a contract with the highest ranked firm Azur Equities, LLC.

enclosures
cc: file

Exhibit M

Exhibit N



DRIVEWAYS • PARKING AREAS • STREETS • GRADING • ROCK & FILL • CONCRETE WORK

HARDRIVES, INC.

2101 South Congress Avenue
Delray Beach, Florida 33445

PHONE: 561-278-0456
FAX: 561-278-2147

AN EEO COMPANY

Change Order No. 1

TO: The City of Pompano Beach
ATTN: Tammy Good / Gary Eagle
ADDRESS: 1201 NE 5th Ave.
CITY & STATE: Pompano Beach, Fl., 33060

DATE: 10/30/2017
PHONE: 954-786-5520
FAX: 954-786-4028
Email: tammy.good@coosbfl.com
Gary_Eagle@coosbfl.com

NAME OF PROJECT: Taxiway G Expansion, Export Fill to Palms Course at Pompano Beach Golf Course Remediation
LOCATION: Pompano Beach Executive Airport, (Taxiway "G").
PLANS & SPECIFICATIONS: None Provided.

**WE PROPOSE TO FURNISH ALL LABOR, MATERIAL & EQUIPMENT TO PERFORM THE FOLLOWING:
Construction Site Improvements as per Plans and Specifications and as Specifically Stated Below**

QTY	UNIT	DESCRIPTION	UNIT PRICE	SUBTOTAL	TOTAL
Work Items:					
Load, Haul & Place Fill:					
FROM TAXIWAY "G" TO PALMS COURSE AT POMPANO BEACH GOLF COURSE REMEDIATION:					
20,000	CY	Taxiway G Fill Loaded & Hauled to the Sable Palm Golf Course	\$6.75	\$135,000.00	
20,000	CY	Place & Compact Material to a flat grade as provided by Pompano	\$2.75	\$55,000.00	\$190,000.00
Excavate & Dispose of Contaminated Material:					
FROM REMEDIATION OF PALMS COURSE AT POMPANO BEACH GOLF COURSE REMEDIATION:					
20,000	CY	Excavate & Load Contaminated Material to Stock Pile	\$4.25	\$85,000.00	
20,000	CY	Load out Contaminated Material	\$1.00	\$20,000.00	
28,000	TN	Haul Contaminated fill to certified Dump Site	\$39.25	\$1,099,000.00	\$1,204,000.00
				Sub Total:	\$1,394,000.00
				Bond Rate @1%:	\$13,940.00
				Sub Total:	\$1,407,940.00

NOTES & EXCLUSIONS:

NOTE:

- 1 Please choose the unit numbers for the work items that The City of Pompano wants Hardrives to provide.
- 2 It is understood that the above prices reflect the cost to load & haul off the Taxiway G Material to the Palms Course at Pompano Beach Golf Course
- 3 Remediation Location discussed at the City of Pompano Meeting dated 4/11/2017. This price IS NOT Guaranteed if Hardrives is required to purchase or haul the material from another location.
- 4 All layout for required limits of excavation & Backfill will be provided by The City of Pompano unless otherwise discussed.
- 5 The excavation of contaminated material will be determined by cross section measurement and billed out at the unit number listed above. Please note that ALL excavation excludes Dewatering.
- 6 The unit numbers listed above are for a minimum quantity of 20,000 cy. Hardrives estimates +/- 2,800 Tns per cy or 28,000 Tns. It is understood that the above price is an estimated cost to haul and dispose of the contaminated material. Hardrives MUST receive a profile on the contents of the contaminated fill before we can provide an accurate estimate. Once this is given, Hardrives will provide a cost per TN for hauling & disposal of the material backed up by manifest tickets.
- 7 Hardrives will count truck load Tons and provide tickets at the time of billing.
- 8 ALL TERMS OF THE ORIGINAL CONTRACT BID L-14-17, POMPANO BEACH AIRPARK EXTENSION OF TAXIWAY G, EXECUTED ON 5/30/2017 SHALL REMAIN IN EFFECT.

PRICES ARE VALID FOR 30 DAYS

ACCEPTED BY:

HARDRIVES, INC.

NAME & TITLE:


Craig W. Douglas, Project Manager

DATE:

HARDRIVES CANNOT GUARANTEE OR BE RESPONSIBLE FOR ROCK BASE WORK CONSTRUCTED BY OTHERS:

Exhibit O

4.3 FINANCIAL BACKING

4.3.1 BANKS



my100bank.com
A Home Banc Shares Company

June 9, 2016

City of Pompano Beach
100 West Atlantic Blvd.
Pompano Beach, FL 33060

To Whom It May Concern:

Our lenders have been doing business with the principals and partners of Pompano Sport Park / Sport Park Residences (entity to be formed) for the last 20+ years in many of their various projects. We have financed residential, commercial and multi-family projects for them.

We would be very interested, subject to loan requests/projects meeting our lending criteria, underwriting requirements and loan committee approval, in financing their future projects. This includes the potential development at Atlantic Blvd. and 31st Ave. of which they have advised us.

Yours truly,



Howard Zusman,
Regional Executive Vice President



June 9, 2016

The City of Pompano Beach, FL
100 West Atlantic Blvd
Pompano Beach, FL 33060

Re: Atlantic and 31st Avenue-Development
Pompano Sport Park / Sport Park Residences

To whom it may concern:

Please be advised that I have banked and extended credit to the above partners for over 20 years. They have always handled their banking and loan relationships in a very professional manner and as agreed.

The bank would be interested in financing the project providing the borrowers and the project meets the bank's underwriting criteria.

Please do not hesitate to call me should you need additional information, I can be reached at 305-778-3232 or 954-767-4908.

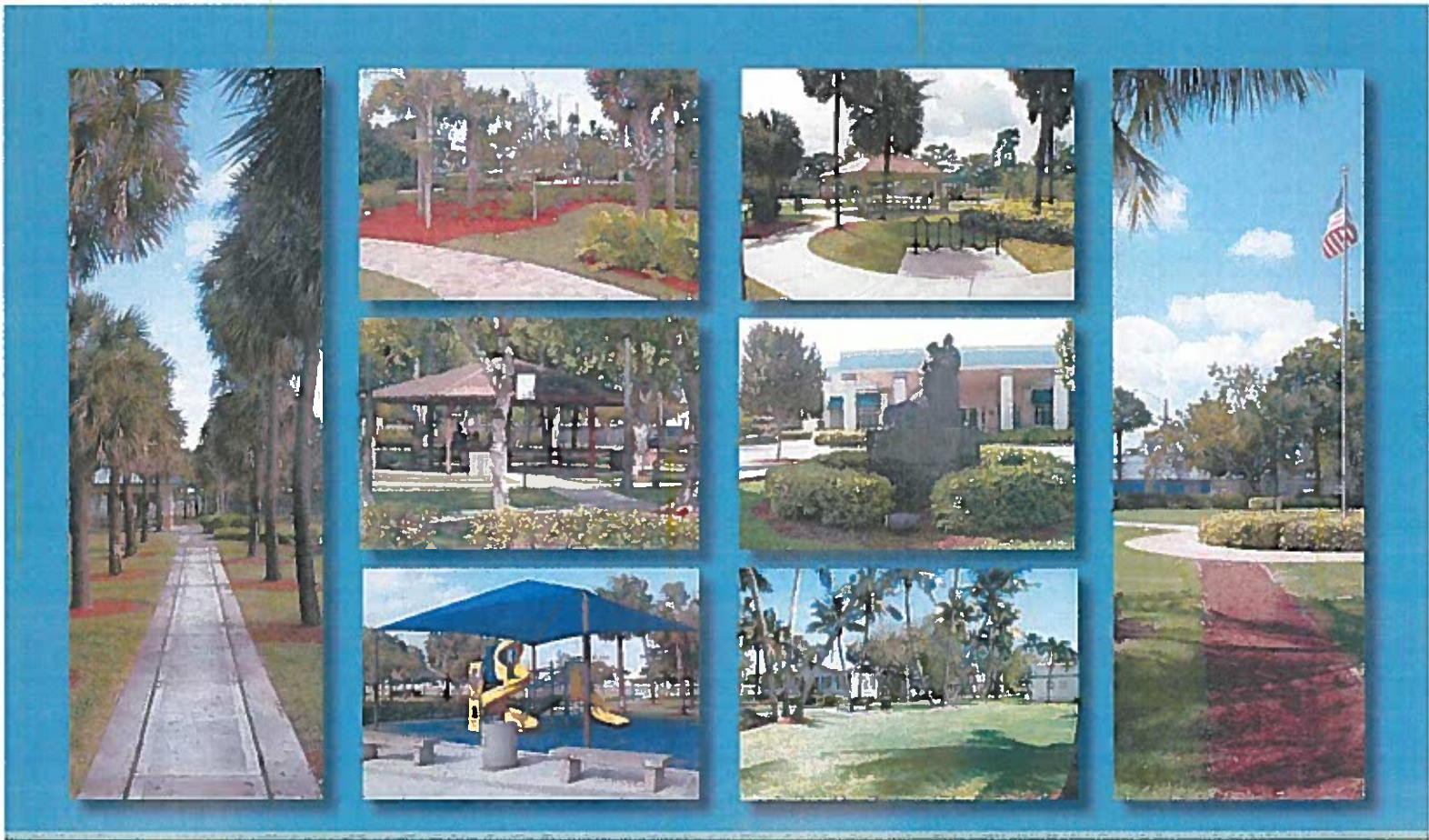
Sincerely,



Linda Parsons-Danisovszky
Vice President / Commercial Lender



Exhibit P



2.1. REGIONAL PARKS

Broward County provides regional parks to serve the City of Pompano Beach and other Broward County Municipalities. The drawing Broward County Regional Parks indicates the regional parks in Broward County and the City of Pompano Beach boundaries. Broward County regional parks offer a variety of experiences from nature preserve areas to active parks that include picnic area and sports venues. There are no regional parks within the City of Pompano Beach Boundaries.

Broward County's Park and Recreation Division manage almost 6,500 acres of which approximately 3,500 acres are natural areas that provide indigenous flora and fauna for the enjoyment of residents and for the protection of the natural environment.

The system encompasses regional parks and nature centers, neighborhood parks, and natural areas. The facilities include water parks, campgrounds, a target range, a stadium, a skate park, an observatory, mountain bike trails, an educational farm with stables, a velodrome and other sports facilities.

The mission of Broward County's Park and Recreation Division states the following: "The Parks and Recreation Division is dedicated to providing a countywide park system with diverse facilities and recreation opportunities, along with natural area conservation and research-based educational outreach, to enhance the well-being of residents, businesses, and visitors".

Additional to the regional parks there are 31 municipalities in Broward County that have their own park and recreation agencies that operate public park and recreation facilities. There are also within Broward County two state parks open to the public: Hugh Taylor Birch and John U. Lloyd.

The Map Figure 2.B - Broward County Regional Parks indicates regional park and recreation facilities in Broward County. A full listing of activities can be found at the Broward County's Park and Recreation Division web page.

2.2. PEDESTRIAN AND VEHICULAR ACCESS TO CITY'S PARKS

Most areas of the City are within 1/4 mile of a recreation facility as can be seen in Figure 2-A. Most sectors of the City of Pompano Beach are in close proximity to a neighborhood park except the areas west of I-95 and in particular the area of Collier City. Here, access to a neighborhood park or a mini-park is a minimum of one mile in the areas of southwest Collier City. Areas south of Atlantic Boulevard have a substantial amount of private recreation space.

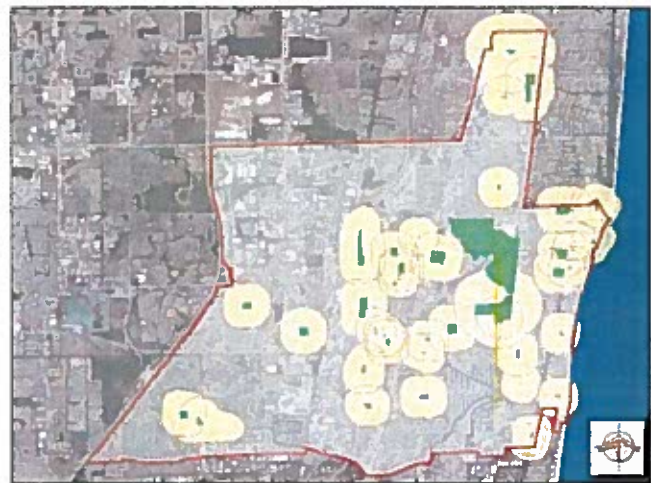


Figure 2.A - Parks 1/2 Mile Service Radiuses

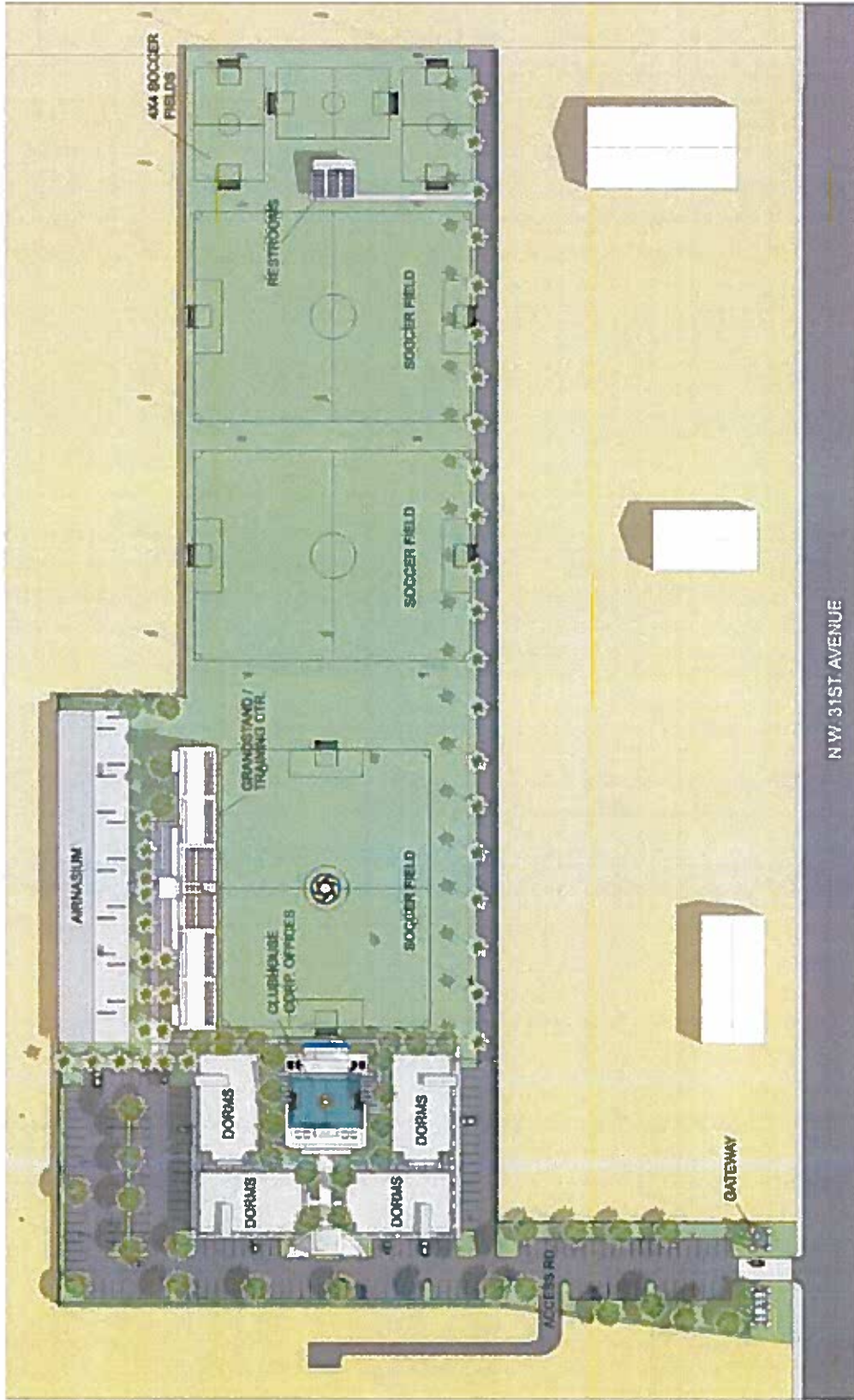
2.3. CITY OF POMPANO BEACH LEVELS OF SERVICE (LOS) AND COMPREHENSIVE PLAN REQUIREMENTS:

The City through its Comprehensive Plan has adopted some basic level of service (LOS) figures for parks. Adopted in 2010, the Parks Open Space and Recreation Element of the Comprehensive Plan establishes recreation levels of service for the City of Pompano Beach. The overall established LOS is 5 acres per 1,000 populations. Further, the LOS is divided into three categories:

1. Mini parks/neighborhood parks and small urban spaces - 2 acres per 1,000 populations
2. Community parks - 1 acre per 1,000 populations
3. Urban open space - 2 acres per 1,000 populations

Exhibit Q

SITEPLAN



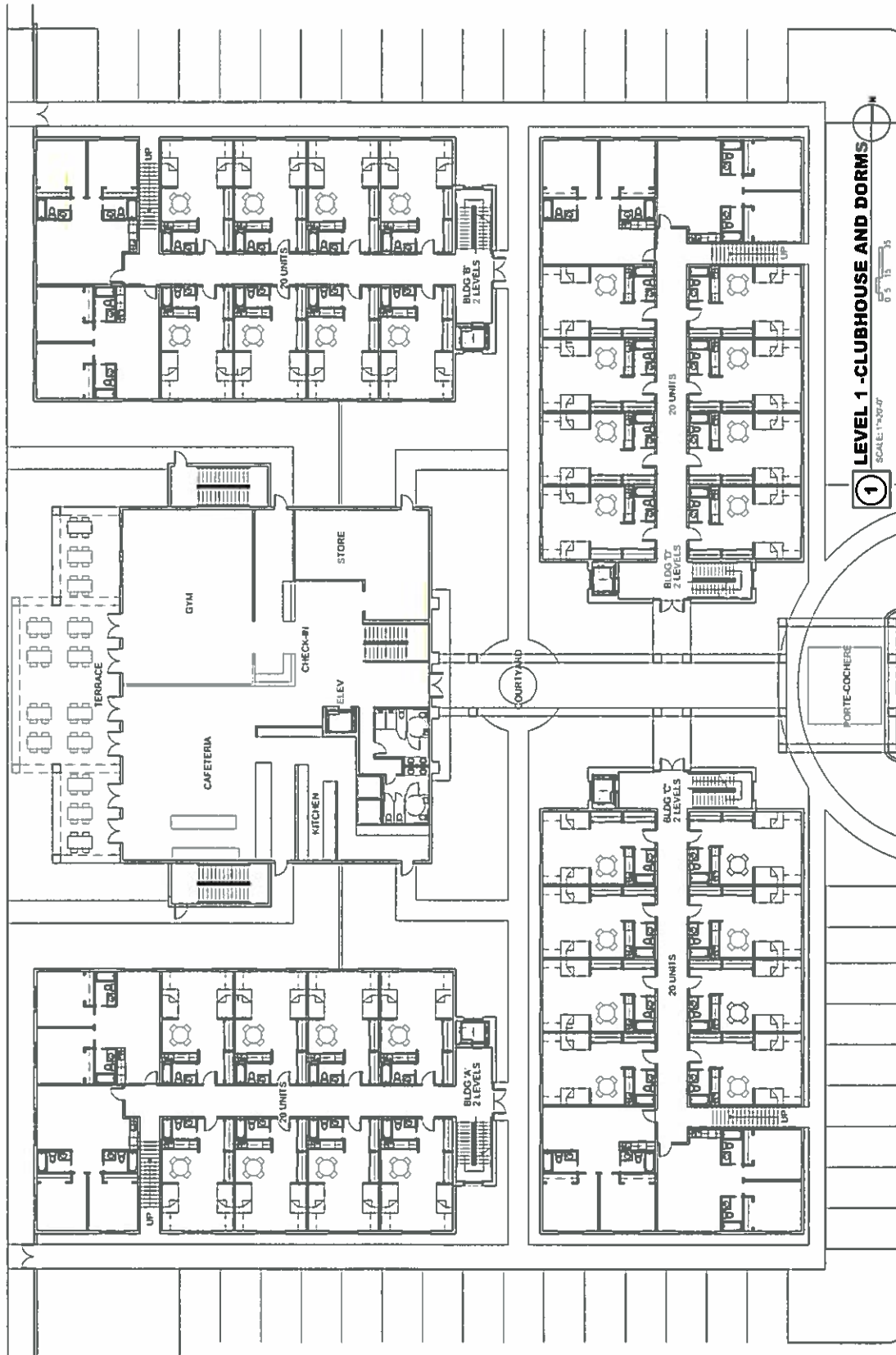
N.W. 31ST AVENUE

MASTER PLAN

NORTH



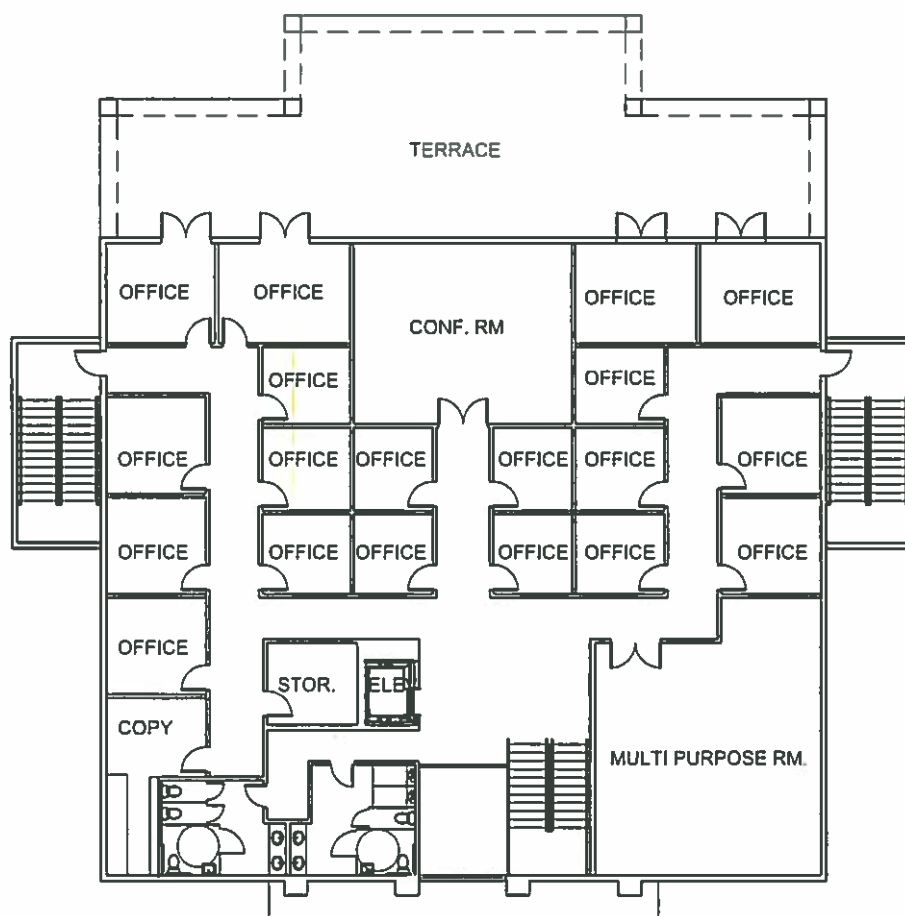
ARCHITECTURAL CLUBHOUSE & DORMS PLAN



1 LEVEL 1 - CLUBHOUSE AND DORMS
SCALE: 1:1000
0 5 10 15



ARCHITECTURAL CLUBHOUSE TWO



1

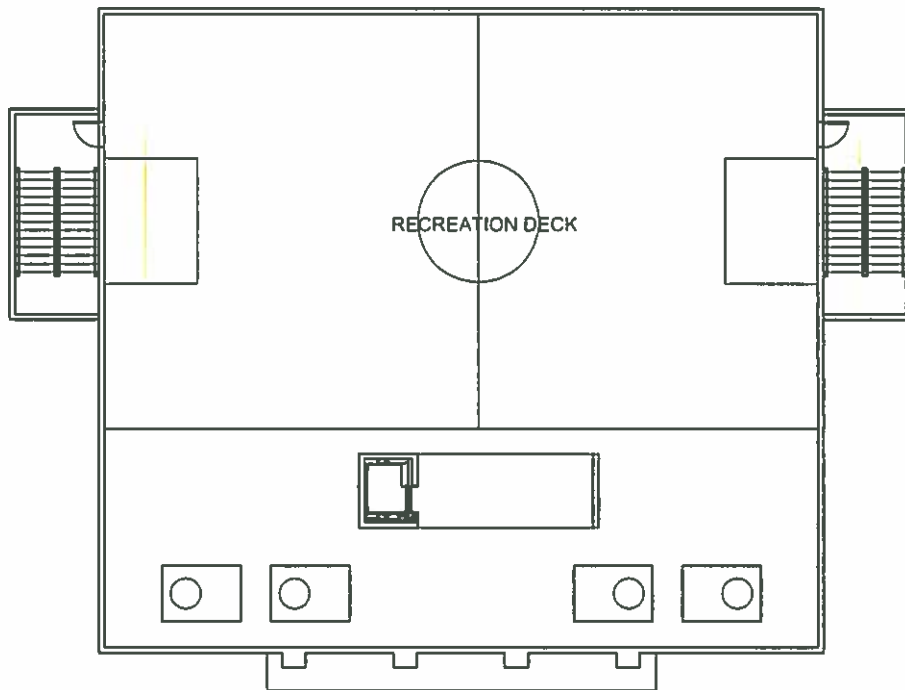
LEVEL 2 - CLUBHOUSE

SCALE: 1"=20'-0"

0 5 15 35



ARCHITECTURAL CLUBHOUSE THREE



1

ROOF LEVEL - CLUBHOUSE

SCALE: 1"=20'-0"

0 5 15 35



Exhibit R

FINANCIAL PROJECTION

RENTAL OF AMENITIES

	PER YEAR
PDL	26 TIMES
YOUTH LEAGUE	30 TIMES
ADULT LEAGUE	20 TIMES
SUMMER CAMP	35 TIMES
TOURNAMENTS	20 TIMES

TOTAL RENTAL OF AMENITIES 131 TIMES

■ PDL ■ YOUTH LEAGUE ■ ADULT LEAGUE ■ SUMMER CAMP ■ TOURNAMENTS

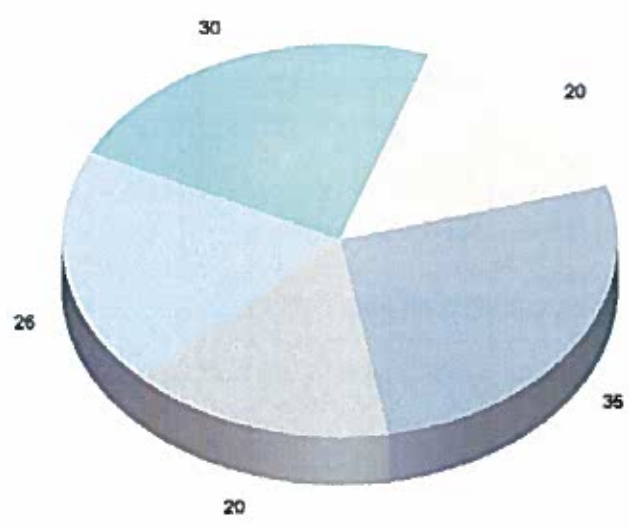


Exhibit S

RESOLUTION NO. 2017 - _____

CITY OF POMPANO BEACH
Broward County, Florida

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY REFERRED TO AS RESIDENCES AT PALM AIRE PARCEL C, LOCATED AT 3190 NW 4th STREET, POMPANO BEACH, FLORIDA 33069, FOLIO NUMBER 4842-32-19-0030, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in § 97-277, Laws of Florida, which is codified at Florida Statutes § 376.77 - 376.85 for the designation by resolution of certain contiguous areas consisting of one or more brownfield sites as “brownfields areas,” and for the corresponding provision of environmental remediation and economic development for such areas; and

WHEREAS, the City of Pompano Beach desires to designate a brownfield area within the city limits of the City for purposes of remediation, rehabilitation, and economic redevelopment; and

WHEREAS, the property desired to be designated as a brownfield area is described and depicted in Exhibit “A” to this Resolution and assigned Folio Identification Number 4842-32-19-0030 by the Broward County Property Appraiser; and

WHEREAS, the City of Pompano Beach wishes to notify the Florida Department of Environmental Protection of its decision to designate the Residences at Palm Aire Parcel C as a brownfield area for rehabilitation for purposes set forth in Florida Statutes § 376.77 - 376.85; and

WHEREAS, the City of Pompano Beach wishes to notify the Florida Department of Environmental Protection of its decision to designate the Residences at Palm Aire Parcel C as a Brownfield Area for rehabilitation for purposes set forth in Florida Statutes § 376.77 - 376.85; and

WHEREAS, the City of Pompano Beach has additionally considered the criteria set forth in Florida Statutes § 376.80(2)(a)1-4, namely:

- (i) whether the proposed brownfield area warrants economic development and has a reasonable potential for such activities;
- (ii) whether the proposed brownfields area represents a reasonably focused approach and is not overly large in geographic coverage;
- (iii) whether the proposed brownfields area has potential to interest the private sector in participating in remediation, rehabilitation and economic development;
- (iv) whether the proposed brownfields area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purpose; 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.

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 area depicted on Exhibit A attached hereto, comprised of approximately 11.76 acres, and incorporated herein by reference is hereby designated as a Brownfield Area for environmental remediation, rehabilitation, and economic development for the purposes set forth in Florida Statutes §§ 376.77 - § 376.85 and shall hereinafter be referred to as the “Pompano Beach Sports Park Reuse Area.”

SECTION 3. That the City Manager is hereby authorized to notify the Florida Department of Environmental Protection of the City Commission’s resolution designating the Palm Aire C Parcel as the Pompano Beach Sports Park Reuse Area for purposes of Florida Statutes §§ 376.77-376.85.

SECTION 4. This Resolution shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2017.

PASSED SECOND READING this _____ day of _____, 2017.

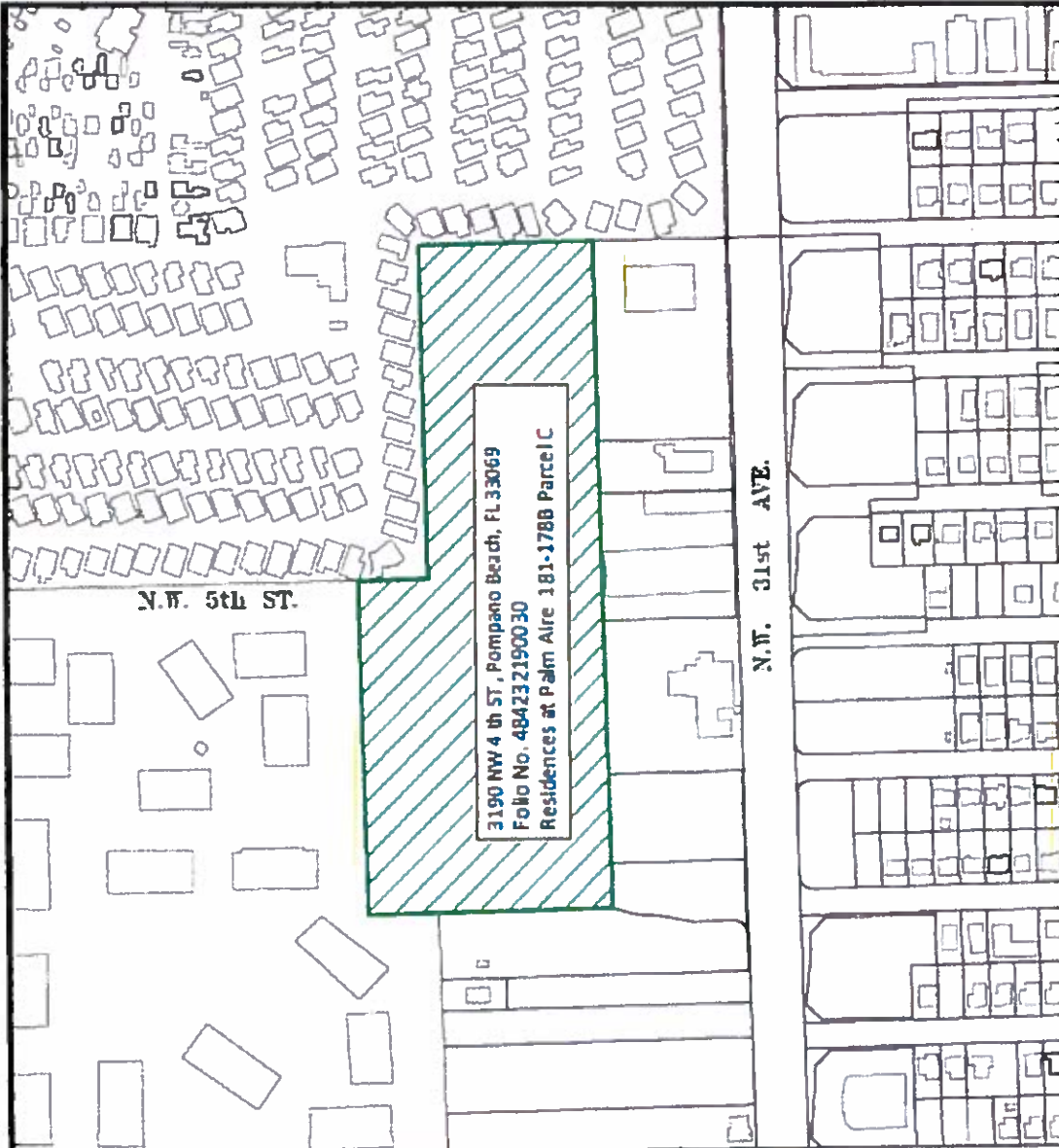
LAMAR FISHER, MAYOR

ATTEST

ASCELETA HAMMOND, CITY CLERK

FP:jmz
9/22/17
L:reso/2017-340f

Exhibit A



N.W. 5th ST.

N.W. 31st AVE.

3190 NW 4 th ST., Pompano Beach, FL 33069
 Folio No. 484232190030
 Residences at Palm Aire 181-178B Parcel C

Park Site Plan
 (FOLIO NO. 4842 32 19 0030)



CITY OF POMPANO BEACH			
BROWARD COUNTY, FLORIDA			
ENGINEERING DIVISION			
11 Acres Park in Palm Aire			
Drawn By: T.W.	Date: 09/21/17	Checked By: H.D.	Date: 09/21