RESOLUTION NO. 2015-60 **DESIGNATION OF GREEN REUSE AREA**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 471 AND 495 NE 83RD STREET, EL PORTAL, MIAMI-DADE COUNTY, FLORIDA 33138, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NOS. 18-3207-020-0130 AND 18-3207-020-0140, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A," AS THE "EL PORTAL NE 83RD STREET GREEN REUSE AREA" PURSUANT TO SECTION 376.80, FLORIDA STATUTES, OF FLORIDA'S BROWNFIELDS REDEVELOPMENT AT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE VILLAGE CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the State of Florida has provided, in Chapter 97-277, Laws of Florida, which is codified at Sections 376.77 through 376.86, Florida Statutes (2015), for designation of certain specified areas by local government adoption of a resolution in order to promote environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, BH 495 NE 83rd Street, LLC ("BH 495") owns the property located at 471 and 495 NE 83rd Street, El Portal, Miami-Dade County, Florida 33138, and identified by Folio Nos. 18-3207-020-0130 and 18-3207-020-0140 (the "Subject Property"), as depicted in Exhibit A and more particularly described in Exhibit "B" and is developing it for a mix of residential and retail and commercial uses; and

WHEREAS, BH 495, has requested that the Village Council of the Village of El Portal, Florida (the "Village") designate the Subject Property as a "Green Reuse Area" pursuant to § 376.80(2)(c), Florida Statutes; and

WHEREAS, the Village has reviewed the relevant criteria and procedures that apply in effectuating this designation as specified in § 376.80(2)(c), Florida Statutes, and has determined

and finds that the Subject Property qualifies for said designation because the following requirements have been satisfied:

1. BH 495 owns the Subject Property and has agreed to rehabilitate and redevelop it;

2. The rehabilitation and redevelopment of the Subject Property will result in economic productivity in the area, along with the creation of at least 5 new permanent jobs at the Subject Property that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement for the Subject Property and not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the Subject Property;

3. The redevelopment of the Subject Property is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations.

4. Notice of the proposed rehabilitation of the Subject Property has been provided to neighbors and nearby residents of the Subject Property, and BH 495 has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation; and

5. BH 495 has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment of the Subject Property; and

WHEREAS, the Village desires to notify the Florida Department of Environmental Protection of this resolution effectuating the designation in furtherance of rehabilitation and redevelopment of the Subject Property for purposes of § 376.77 – § 376.86, Florida Statues; and

WHEREAS, the applicable procedures, including but not limited to applicable notice requirements, set forth in § 376.80 and § 166.041, Florida Statutes, have been followed and complied with; and

WHEREAS, such designation shall not render the Village 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; and

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

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. The Village Council of the Village of El Portal, Florida finds that BH 495 has satisfied the criteria set forth in § 376.80(2)(c), Florida Statutes.

SECTION 3. The Village Council of the Village of El Portal, Florida designates the area depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, as the "El Portal NE 83rd Street Green Reuse Area" for purposes of § 376.77 – § 376.86, Florida Statutes.

SECTION 4. The Village Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the Village Commission's resolution designating the Subject Property as the "El Portal NE 83rd Street Green Reuse Area" for purposes of § 376.77 – § 376.86, Florida Statutes.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 15th day of December 2015.

Claudia V. Cubillos, Mayor
Village of El Portal

ATTEST: _____
~~Village Clerk~~

Approved as to Form and Legal Sufficiency:

Steve G. Geller, Esq. for
Joseph S. Geller, Village Attorney

Moved by: Vice Mayor Nickelson

Seconded by: Councilperson Mathis

Vote:

Councilperson Brunson:	✓ (Yes)	___ (No)
Councilperson Isaccs:	✓ (Yes)	___ (No)
Councilperson Mathis:	✓ (Yes)	___ (No)
Vice Mayor Nickerson:	✓ (Yes)	___ (No)
Mayor Cubillos:	✓ (Yes)	___ (No)