

RESOLUTION NO. R-2013-4

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DESIGNATING A FORMER GAS STATION SITE LOCATED AT 1600 NE 123 STREET, IN THE CITY OF NORTH MIAMI, AS A "BROWNFIELD AREA" PURSUANT TO SECTION 376.80(2)(B), FLORIDA STATUTES, FOR THE REHABILITATION AND ECONOMIC DEVELOPMENT OF THE SITE, IN ACCORDANCE WITH THE FLORIDA BROWNFIELDS REDEVELOPMENT ACT, AND CONSISTENT WITH THE INTENT OF THE CITY'S COMPREHENSIVE PLAN; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE BROWNFIELD AREA DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, Goal 9 of the City of North Miami ("City") Comprehensive Plan ("Comprehensive Plan") provides that City shall "strive to create an economic environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens"; and

WHEREAS, Policy 6D.1 of the Comprehensive Plan provides that the City should protect its natural resources, soils, native vegetation, fisheries, and marine and wildlife habitats; and

WHEREAS, the Section 376.80, Florida Statutes, grants the City the authority to designate property by Resolution as a "brownfield area", in order to provide for the property's environmental remediation and redevelopment, and to promote economic development and revitalization to the affected area; and

WHEREAS, on December 4, 2012, Land South Partners I, LLC ("Land South"), filed an application with the City Community Planning & Development Department, requesting the designation of a contaminated parcel of land, formerly used as gas station, located at 1600 NE 123rd Street, consisting of approximately thirteen thousand six hundred fifty square feet (13,650'), or approximately 0.31 acres in size ("Brownfield Site"), as more particularly described in the attached Exhibits A and B; and

WHEREAS, Land South has acquired and will take full ownership of the Brownfield Site, and intends to rehabilitate and redevelop the subject property in order to improve it for commercial and/or retail service use with a particular emphasis on retail banking, which will greatly improve the area's employment prospect and boost economic activity; and

WHEREAS, the City administration has reviewed Land South's request and has determined that it satisfies the intent of the Comprehensive Plan as well as the relevant criteria that apply in designating a brownfield area, as specified in Section 376.80(2)(b), Florida Statutes, and has determined and finds that the Brownfield Site qualifies for designation as a brownfield area, because the following requirements have been satisfied:

1. Land South owns and/or controls the real estate parcels proposed for designation and has agreed to rehabilitate and redevelop the parcels;
2. The rehabilitation and redevelopment of the Brownfield Site will increase economic productivity in the area and Land South has provided assurances that the redevelopment of the site will result in the creation of at least five (5) new permanent full time jobs;
3. The redevelopment of the Brownfield Site is consistent with the City's Comprehensive Plan and is a permissible use under the City's Land Development Regulations;
4. Proper notice of the proposed rehabilitation of the Brownfield Site has been provided to neighbors and nearby residents, and Land South has provided those receiving notice the opportunity to provide comments and suggestions regarding the rehabilitation; and
5. Land South has provided reasonable assurances that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

WHEREAS, the City desires to notify the Florida Department of Environmental Protection designating the Brownfield Site as a brownfield area to further its rehabilitation and redevelopment, in accordance with Sections 376.77 through 376.85, Florida Statutes; and

WHEREAS, the applicable procedure set forth under Section 376.80(1), Florida Statutes, and the notice requirement under Section 166.041(3)(c)2, Florida Statutes, have been followed; and

WHEREAS, the Mayor and City Council have determined that the proposed brownfield area designation on the subject property is in the best interest of the City, and advantageous to the public health, safety and welfare.

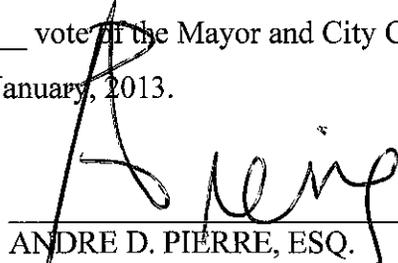
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Property Designation. The Mayor and City Council of the City of North Miami, Florida, hereby, designate a former gas station site located at 1600 NE 123 Street, in the City of North Miami as a Brownfield Area pursuant to Section 376.80(2)(b), Florida Statutes, for the rehabilitation and economic development of the site, in accordance with the Florida Brownfields Redevelopment Act, and consistent with the intent of the City's Comprehensive Plan, attached hereto as "Exhibit A" and "Exhibit B".

Section 2. Authority of City Manager and City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to do all things necessary to effectuate the Brownfield Area designation.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

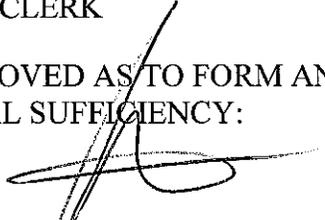
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 8 day of January, 2013.



ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Councilman Galvin

Vote:

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|--------------------------------------|--------------|-------|---------------|------|
| Mayor Andre D. Pierre, Esq. | <u> x </u> | (Yes) | <u> </u> | (No) |
| Vice Mayor Marie Erlande Steril | <u> x </u> | (Yes) | <u> </u> | (No) |
| Councilperson Michael R. Blynn, Esq. | <u> x </u> | (Yes) | <u> </u> | (No) |
| Councilperson Scott Galvin | <u> x </u> | (Yes) | <u> </u> | (No) |
| Councilperson Jean R. Marcellus | <u> x </u> | (Yes) | <u> </u> | (No) |