

**RESOLUTION NO. 20-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, MAKING FINDINGS AND DESIGNATING REAL PROPERTY IDENTIFIED BY FOLIO NUMBERS 36-6009-005-0015, 36-6009-005-0010, 36-6009-006-0010, 36-6009-006-0012, and 36-6009-006-0011 AS A BROWNFIELD AREA PURSUANT TO SEC. 376.80(2)(A), FLORIDA STATUTES, FOR PURPOSES OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND ECONOMIC DEVELOPMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a brownfield site is defined at Florida Statutes § 376.79(4) to mean the real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination; and

**WHEREAS**, a brownfield area is defined at Florida Statutes § 376.79(5) to mean 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 resolution; and

**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,” for the purpose of encouraging rehabilitation (including remediation), job creation, and economic redevelopment; and

**WHEREAS**, the Town of Cutler Bay (the “Town”) desires to designate a Brownfield Area within the Town for purposes of encouraging rehabilitation, job creation, and economic redevelopment; and

**WHEREAS**, the property desired to be designated as a Brownfield Area is located along Old Cutler Road; is described and depicted in Exhibit “A” to this Resolution; and is assigned Folio Numbers 36-6009-005-0015, 36-6009-005-0010, 36-6009-006-0010, 36-6009-006-0012, and 36-6009-006-0011 (the “Subject Property”); and

**WHEREAS**, the Town has 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 Brownfield Area represents a reasonably focused approach and is not overly large in geographic coverage;

- (iii) whether the proposed Brownfield Area has potential to interest the private sector in participating in remediation, rehabilitation and economic development, and
- (iv) whether the proposed Brownfield 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 Florida Statutes § 376.80 and § 166.041, have been followed and proper notice has been provided in accordance with Florida Statutes § 376.80(1) and § 166.041(3)(c)2; and

**WHEREAS**, such designation shall not render the Town liable for costs of site rehabilitation, including remediation, or source removal, as those terms are defined in §§ 376.79(19) and (20), Florida Statutes, or for any other costs, above and beyond those costs attributed to the adoption of this Resolution; and

**WHEREAS**, the Town wishes to notify the Florida Department of Environmental Protection of its decision to designate the Subject Property as a Brownfield Area for rehabilitation for purposes set forth in Florida Statutes §§ 376.77-376.85; and

**WHEREAS**, after review and consideration, the Town Council desires to adopt this Resolution and finds that the proposed redevelopment of the Cutler Bay Civic And Resiliency Enhancement (CARE) Zone is consistent with local Land Development Regulations and the Comprehensive Plan; and

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1. Recital.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Brownfield Area Designation.** That the Subject Property, comprised of approximately 32 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 “Cutler Bay Civic And Resiliency Enhancement (CARE) Zone.”

**Section 3. Authorization.** That the Town Manager is hereby authorized to notify the Florida Department of Environmental Protection of the Town Council’s resolution designating the Subject Property as the Cutler Bay Civic And Resiliency Enhancement (CARE) Zone for purposes of Florida Statutes §§ 376.77-376.85.

**Section 4.**    **Effective Date.**    This Resolution shall take effect immediately upon adoption.

PASSED on first reading this \_\_\_\_\_ day of October, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of October, 2020.

\_\_\_\_\_  
TIM MEERBOTT  
Mayor

Attest:

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

First Reading  
Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

Second Reading  
Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert "BJ" Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_