



## **RESOLUTION NO. 2014-04**

### **A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1223, 1307, AND 1311 ATLANTIC BOULEVARD, ON BEHALF OF PENMAN PLAZA ASSOCIATES, LLLP, AS A BROWNFIELDS SITE.**

**WHEREAS**, Penman Plaza Associates, LLLP (the "Owner") owns the property located at 1223, 1307, and 1311 Atlantic Boulevard, Neptune Beach, Florida, 32266, RE# 177653-1500, 177653-1640, and 177653-0020 in Council District 4, the legal description and a depiction of which are attached thereto as Exhibit 1, both of which are incorporated herein by this reference (the "Property") ; and

**WHEREAS**, the owner proposes to address the environmental impacts created by landfill activities and is open to additional redevelopment and agrees to rehabilitate the property and use the Property as a retail facility; and

**WHEREAS**, the owner, has requested that the City of Neptune Beach designate the Property a Brownfield Area as authorized under the Florida Brownfield's Redevelopment Act, Sections 376.77 - 376.85, Florida Statutes, and

**WHEREAS**, valuable economic incentives accrue to those who redevelop designated Brownfield sites; and

**WHEREAS**, the City has complied with the procedures and has given proper notice as required by Section 376.80, Florida Statutes;

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the City of Neptune Beach:

**SECTION 1.** Findings. The Council, acting as the governing body of Neptune Beach, finds the preamble hereof to be true and correct.

**SECTION 2.** Designation. For the purposes of the Florida Brownfields Redevelopment Act, Section 376.77 – 376.85, Florida Statutes, (hereinafter the "Act"), the Property is hereby designated a Brownfield area. For purposes of Neptune Beach's Brownfields Program, this area shall be called the Penman Plaza Brownfield Area. This designation shall not, however, render the City of Neptune Beach liable: for the cost of site rehabilitation or source removal, as those terms are defined in Sections 376.79(17) and (18), Florida Statutes; for other costs in excess of those attributable to the City as administrator of a Brownfields Program; or, as a property owner, if the City hereafter acquires any realty within the designated Brownfield Area.

**SECTION 3.** Notification and rehabilitation agreement. The owner will negotiate a Brownfield Site Rehabilitation agreement, if needed, addressing such rehabilitation, and notify the City Brownfield Coordinator when such an agreement has been reached.

**SECTION 4.** Sunset. This resolution shall stand repealed without further action of the City Council nine (9) months from the effective date hereof unless a Brownfield Site Rehabilitation agreement pertaining to the Property has been signed with the Florida Department of Environmental Protection by a person responsible for Brownfield Site Rehabilitation, and the City Brownfield Coordinator has been notified of the agreement.

**SECTION 5.** The Brownfield area designation does not exempt the property from any local, state or federal permitting or code requirements.

**SECTION 6.** Effective date. This resolution shall become effective upon signature by the Mayor.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting this 7th day of April, 2014.

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Harriet Pruette, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk