

BEFORE BROWARD COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

IN RE: **City of Oakland Park**

Former Bennet Auto Supply Reuse Site

Folio Numbers: 494223000470 and 494223150010

**South of NE 39th Street, West of N Dixie Highway, North of NE 38th Street,
and East of NE 11th Avenue, Oakland Park, Broward County, Florida 33309**

North Dixie Highway Parcels Green Reuse Area

Brownfield Area Identification Number: BF061801000

Brownfield Site Identification Number: BF061801001

BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes ("F.S.")

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, Broward County (the "County") has been delegated the authority to administer the Florida Brownfields Program on behalf of the State of Florida Department of Environmental Protection (the "Department"), and thereby having the power and duty to administer and enforce the provisions of Section 376.80(11), F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code ("F.A.C."), within Broward County; and;

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the County and the City of Oakland Park, hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The County and the PRFBSR agree to the following:

1. ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

Broward County Environmental Protection and Growth Management Department ("EPGMD") is the agency of the County with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

City of Oakland Park, is the PRFBSR as defined in §376.79(15), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by the City of Oakland Park in Resolution Number 2018-013, approved on February 7, 2018, as a brownfield area as defined in §376.79(5), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the City of Oakland Park resolution(s) with all attachments including the map of the designated brownfield area. The brownfield site consists of approximately 0.91 acres.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A** as the Brownfield site. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then the PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the County and the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a

professional geologist registered under Chapter 492, F.S., as applicable, must 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 County;

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
- (f) to allow access by the County and the Department during the entire site rehabilitation process, as evidenced by the attached documentation (see **Attachment C**) incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**.

Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the County within 15 days from the date that such an interest is effective. With such notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the County and the Department; and

- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in Attachment A. Local pollution prevention programs as well as state pollution prevention programs are available to assist in determining pollution reduction measures. The Department recommends that the PRFBSR contact the Department's Waste Reduction and Registration Program at (850) 245-8864 or Hazardous Waste Program and Permitting at (850) 245- 8713 and visit the following websites at <https://floridadep.gov/waste/waste-reduction> and <https://floridadep.gov/waste/permitting-compliance-assistance/content/hazardous-waste-management-main-page> for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may

include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials.

4. CERTIFICATION

The PRFBSR certifies that it 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. Documentation that supports this certification is provided as **Attachment D**, incorporated herein.

5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form ("CCF") shall be submitted as **Attachment E** to this BSRA. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the County Brownfield Coordinator and approved by the County before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard

Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit ("VCTC"). In accordance with Section 376.30781, F.S., only costs incurred and paid by the applicant that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. Contamination assessment or remediation paid for by the State of Florida for a discharge that is eligible for a state-funded cleanup under the Drycleaning Solvent Cleanup Program ("DSCP") or one of the Petroleum Restoration Program's ("PRP") eligibility programs, may not be used to calculate a tax credit. Likewise, expenses incurred that are statutorily-required to participate in the DSCP (i.e., deductibles) or one of the PRP eligibility programs (i.e., deductibles, review fees, limited contamination assessment reports, and co-payments), are not eligible for the state's VCTC. "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances. "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law. General information about the VCTC Program is available at <https://floridadep.gov/waste/waste-cleanup/content/voluntary-cleanup-tax-credit>. For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8958.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., 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. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area,

and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA and a copy of the executed BSRA. When the PRFBSR 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 PRFBSR shall 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.

The names, addresses, contact numbers, and applicable affiliation for each advisory committee member is included as **Attachment G**.

9. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the Department and the County against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. TERMINATION

If the PRFBSR fails to comply with this BSRA, the County shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the County 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 this BSRA and a modification cannot be negotiated, the County shall terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the County.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department or the County to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department or the County to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order ("SRCO") for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the County and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in the state courts of the Seventeenth Judicial Circuit in and for Broward County, Florida.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

**Director, Environmental Engineering and Permitting Division
Environmental Protection and Growth Management Department
1 N. University Drive, Suite 203
Plantation, FL 33324**

The County encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in **Attachment H**. Time frames for the County's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the attached schedule (see **Attachment B**), incorporated herein. After final County approval of each report or plan, an electronic copy shall be submitted to the County within 30 days. The electronic copy of the report shall be submitted in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if the County fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the County to complete additional work on a previous task.

17. FEES

The County may charge and retain applicable fees for use in supporting the administration of the Brownfields Program. Any such fees shall be charged in accordance with the current fee schedule that has been reviewed and approved by the Broward County Board of County Commissioners. Nothing in this provision shall preclude the County from charging and collecting administrative fees, investigative costs, or other costs incurred by the County resulting from performing enforcement and compliance functions. Nothing in this Agreement shall prohibit the County from seeking penalties, damages, costs, or attorney fees as provided by law or ordinance. All civil penalties and damages recovered by the County shall be deposited in a separate county fund that shall be used as set forth in Section 27-41 of the Broward County Code of Ordinances.

18. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the County and the local government with jurisdiction over the real property described in **Attachment A**. However, the County shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this Agreement; and (c) the assignment of the PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

19. WAIVER

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the County's actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

20. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of the County. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the BSRA. The procedures for petitioning a hearing are set forth below.

Persons other than the PRFBSR who are affected by this BSRA have the following options:

- (a) If you choose to accept the County's decision regarding this BSRA, you do not have to do anything. This BSRA is final and effective 21 days after the date of execution.
- (b) If you choose to challenge the County's decision, you may do the following:
 - (i) File a request for an extension of time to file a petition for hearing with the County (in the office of the Director of the Environmental Engineering and Permitting Division; Environmental Protection and Growth Management Department; 1 N University Drive, Suite 203; Plantation, FL 33334) within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with the County in an attempt to informally resolve any disputes without first filing a petition for hearing.

Or

- (ii) File a petition for administrative hearing with the County (in the office of the Director of the Environmental Engineering and Permitting Division; Environmental Protection and Growth Management Department; 1 N University Drive, Suite 203; Plantation, FL 33334) within **21** days of receipt of this BSRA.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the County may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the County (in the office of the Director of the Environmental Engineering and Permitting Division; Environmental Protection and Growth Management Department; 1 N. University Drive, Suite 203; Plantation, FL 33334), within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRFBSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the County (in the office of the Director of the Environmental Engineering and Permitting Division; Environmental Protection and Growth Management Department; 1 N University Drive, Suite 203; Plantation, FL 33334), within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected;

2. A statement of when and how each petitioner received notice of the County's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the County's action or proposed action;
4. A statement of the disputed issues of material facts, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the County's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the County's action or proposed action; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the County to take with respect to the County's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the County's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the County have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

21. JUDICIAL REVIEW

Except for the PRFBSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the County (in the office of the Director of the Environmental Engineering and Permitting Division; Environmental Protection and Growth Management Department; 1 N University Drive, Suite 203; Plantation, FL 33334), and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within **30** days after this BSRA is filed with the Director of the Environmental Engineering and Permitting Division, acting as Clerk (see below).

22. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the County's review of the BSRA, or technical questions should be directed to the County's Brownfields Coordinator at:

**Director, Environmental Engineering and Permitting Division
Environmental Protection and Growth Management Department
1 N. University Drive, Suite 203
Plantation, FL 33324
(954) 519-1260**

or to the PRFBSR's representative at:

**Michael R. Goldstein, Esq.
The Goldstein Environmental Law Firm, P.A.
2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
(305) 777-1682**

Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

23. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

[SIGNATURES APPEAR ON THE NEXT PAGE]

IN WITNESS WHEREOF, each the parties have made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Broward County through the Director of its Environmental Engineering and Permitting Division, Environmental Protection and Growth Management Department, authorized to execute same by the Board of County Commissioners, and the City of Oakland Park, the Person Responsible for Brownfield Site Rehabilitation, signing by and through David Hebert, its City Manager, duly authorized to execute same.

FOR THE COUNTY

BROWARD COUNTY, through its DIRECTOR
OF ENVIRONMENTAL ENGINEERING AND
PERMITTING DIVISION, ENVIRONMENTAL
PROTECTION AND GROWTH
MANAGEMENT DEPARTMENT

Witnesses:

Signature of Witness

Print Name

Date

By: _____
Sermin Turegun, Director

Date: _____

Signature of Witness

Print Name

Date

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: _____
Benjamin Crego (Date)
Assistant County Attorney

City of Oakland Park
Brownfield Site Rehabilitation Agreement
Brownfield Site Identification Number: BF061801001

**FOR THE PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION:**

By: THE CITY OF OAKLAND PARK, FLORIDA

By: _____
David Hebert, City Manager

Date: _____

Address: 3650 NE 12th Avenue
Oakland Park, Florida 33334

Telephone: (954) 630-4200

cc: David Vanlandingham, P.E., Broward County Brownfield Coordinator
Paul Wierzbicki, P.G., FDEP – Southeast District
Carrie Kruchell, P.G., FDEP Brownfields and CERCLA Administration
Michael R. Goldstein, Esq., Environmental Counsel for City of Oakland Park

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List of Attachments

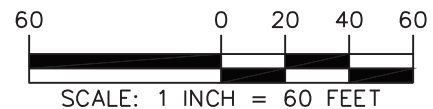
Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Description of Proposed Redevelopment
Attachment E	Contractor Certification Form
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents

Attachment A



LEGEND:

- PROPOSED BROWNFIELD SITE
PURSUANT TO FLORIDA'S
BROWNFIELDS REDEVELOPMENT ACT



NOTES:

- 1) BASE MAP REFERENCES NEARMAP IMAGE, DATED 14 JANUARY 2019.
- 2) PROPERTY PARCEL BOUNDARIES ARE APPROXIMATE, BASED ON BROWARD COUNTY PROPERTY APPRAISER.

LANGAN

Langan Engineering and
Environmental Services, Inc.
110 East Broward Boulevard, Suite 1500
Fort Lauderdale, FL 33301
T: 954.320.2100 F: 954.320.2101 www.langan.com
FL Certificate of Authorization No. 00006601/LB8172/LB8198

Project
**NORTH DIXIE HIGHWAY
PARCELS GREEN REUSE AREA -
PARCEL 1**
3855 N DIXIE HIGHWAY AND NE 38TH STREET
OAKLAND PARK
BROWARD COUNTY, FLORIDA 33309

Drawing Title

SITE MAP

Project No.
330052502

Date
MARCH 2019

Drawn By
SS

Checked By
MSP

Drawing No.

1

DESCRIPTION:

PARCEL 1

A PORTION OF LOTS 1 THROUGH 11 INCLUSIVE AND ALL OF LOTS 12 THROUGH 18 INCLUSIVE, COMMERCIAL OAKLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LOT 1, BLOCK 1, OAKLAND MANORS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 52 OF SAID PUBLIC RECORDS, DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF N.W. 11TH AVENUE WITH THE NORTHERLY RIGHT OF WAY LINE OF NORTHEAST 38TH STREET; THENCE NORTH 01°21'45" WEST ALONG THE EAST RIGHT OF WAY LINE OF NORTHEAST 11TH AVENUE, A DISTANCE OF 291.28 FEET TO THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE SOUTH RIGHT OF WAY LINE OF NORTHEAST 39TH STREET; THENCE SOUTH 89°41'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.29 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 01°59'06" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 46989, PAGE 573 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 42.00 FEET, THROUGH A CENTRAL ANGLE OF 29°41'32", FOR AN ARC DISTANCE OF 21.77 FEET; THENCE SOUTH 55°04'19" EAST, A DISTANCE OF 6.91 FEET; THENCE SOUTH 35°29'04" EAST, A DISTANCE OF 126.44 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 351.53 FEET, THROUGH A CENTRAL ANGLE OF 01°14'16", FOR AN ARC DISTANCE OF 7.59 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 55°45'11" WEST; THE LAST TWO (2) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF RIGHT OF WAY PARCEL 111, AS DESCRIBED IN OFFICIAL RECORDS BOOK 19024, PAGE 251 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 392.00 FEET, THROUGH A CENTRAL ANGLE OF 19°21'37", FOR AN ARC DISTANCE OF 132.46 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 37.00 FEET, THROUGH A CENTRAL ANGLE OF 96°30'01", FOR AN ARC DISTANCE OF 62.32 FEET; THENCE SOUTH 01°49'03" EAST ALONG A LINE RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.28 FEET, THE LAST THREE (3) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL "A", AS DESCRIBED IN OFFICIAL RECORDS BOOK 46922, PAGE 596, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°09'56" WEST, A DISTANCE OF 46.35 FEET; THENCE NORTH 83°49'04" WEST, A DISTANCE OF 91.25 FEET TO THE POINT OF BEGINNING, THE LAST TWO (2) DESCRIBED COURSES LYING ALONG SAID NORTH RIGHT OF WAY LINE OF NORTHEAST 38TH STREET.

SAID LANDS LYING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA AND CONTAINING 39,495 SQUARE FEET (0.907 ACRES) MORE OR LESS.

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RESOLUTION NO. R-2018-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING REAL ESTATE PARCELS LOCATED SOUTH OF NE 39TH STREET, EAST OF NE 11TH AVENUE, NORTH OF NE 37TH STREET, WEST OF NORTH DIXIE HIGHWAY, OAKLAND PARK, BROWARD COUNTY, FLORIDA 33334, FOLIO NUMBERS 494223000470, 494223150010, 494223150062, 494223150070, 494223150060, 494223150050, 494223150040, 494223150030, AND 494223150020, MORE PARTICULARLY IDENTIFIED ON EXHIBIT "A" AND OWNED BY THE CITY OF OAKLAND PARK, FLORIDA, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, OF FLORIDA'S BROWNFIELD REDEVELOPMENT ACT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, a Brownfield site is defined at Section 376.79(4), Florida Statutes, to mean 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 Section 376.79(3), Florida Statutes, 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 by resolution; and

WHEREAS, Sections 376.77 - 376.85, Florida Statutes, hereinafter "Brownfield Redevelopment Act," provides for the designation by resolution of certain commercial and industrial areas or sites as Brownfield areas or sites for the purpose of encouraging rehabilitation and economic development, or environmental remediation, and further provides for economic incentives intended to encourage rehabilitation, economic development or environmental remediation; and

WHEREAS, the real property located south of NE 39th Street, east of NE 11th Avenue, north of NE 37th Street, West of North Dixie Highway, Oakland Park, Broward County, Florida, 33469, Folio Numbers 494223000470, 494223150010, 494223150062, 494223150070, 494223150060, 494223150050, 494223150040,

1 494223150030, and 494223150020 (the North Dixie Highway Parcels), lies within the
2 Oakland Park Community Redevelopment Area, approved by the City Commission on
3 November 30, 2005, and the Broward County Commission on December 13, 2005; and
4

5 **WHEREAS**, a community redevelopment area is one of the specified
6 redevelopment areas set forth in Section 376.80(2)(b), Florida Statutes; and
7

8 **WHEREAS**, the City is currently seeking qualified partners from the private
9 sector to redevelop the North Dixie Highway Parcels and create an active place to live,
10 work, and dine and, by emphasizing active ground floor uses that are walkable and
11 accessible from adjacent neighborhoods, that can enhance the City's emerging Culinary
12 Arts District; and
13

14 **WHEREAS**, the North Dixie Highway Parcels are subject to both actual and
15 perceived contamination as a result of historic uses, said historic uses occurring prior to
16 ownership by the City, which will complicate expansion, redevelopment, and reuse of
17 the North Dixie Highway Parcels by the City and the private sector; and
18

19 **WHEREAS**, the City has reviewed the relevant criteria that apply in designating
20 a "brownfield area" as specified in Section 376.80(2)(b), Florida Statutes, and has
21 determined and finds that the North Dixie Highway Parcels Brownfield Area qualifies
22 for designation as a Brownfield area; and
23

24 **WHEREAS**, the City desires to notify the Florida Department of Environmental
25 Protection of its resolution designating the North Dixie Highway Parcels a Brownfield
26 area for all purposes contemplated by the Brownfield Redevelopment Act; and
27

28 **WHEREAS**, the applicable procedures set forth in Sections 376.80 and 166.041,
29 Florida Statutes, have been followed, and proper notice has been provided in accordance
30 with Section 166.041(3)(c)2, Florida Statutes; and
31

32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**
33 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**
34

35 **SECTION 1.** The foregoing "WHEREAS" clauses are true and correct and
36 hereby ratified and confirmed by the City Commission. All exhibits attached hereto are
37 hereby incorporated herein.
38

39 **SECTION 2.** The mapped areas described in Exhibit "A" is hereby designated
40 as a Brownfield area pursuant to Section 376.80(2)(b), Florida Statutes for purposes of
41 environmental remediation, rehabilitation, and economic redevelopment and for all other
42 purposes as set forth in the Brownfields Redevelopment Act and shall be referred to as
43 the "North Dixie Highway Parcels Green Reuse Area." Such designation shall not render
44 the City liable for costs of site rehabilitation or source removal as those terms as defined

1 in Sections 376.79(19) or (20), Florida Statutes, or for any other costs, above those costs
2 attributable to the City's role as a property owner within the North Dixie Highway
3 Parcels Green Reuse Area.

4
5 **SECTION 3.** The City Clerk is hereby directed to notify and deliver a copy of
6 this Resolution to the Florida Department of Environmental Protection of the City
7 Commission's decision to designate the North Dixie Highway Parcels Green Reuse Area
8 as a Brownfield area for the purposes set forth in the Brownfields Redevelopment Act.

9
10 **SECTION 4.** If any clause, section or other part of this Resolution shall be held
11 by any court of competent jurisdiction to be unconstitutional or invalid, such
12 unconstitutional or invalid part shall be considered eliminated and will in no way affect
13 the validity of the other provisions of this Resolution.

14
15 **SECTION 5.** All Resolutions or parts of Resolutions in conflict herewith, be
16 and the same are repealed to the extent of such conflict.

17
18 **SECTION 6.** This Resolution shall become effective immediately upon its
19 passage and adoption.

20
21 **ADOPTED** by the City Commission of the City of Oakland Park, Florida this 7th day of
22 February, 2018.

23
24
25 CITY OF OAKLAND PARK, FLORIDA

26
27 
28 MAYOR TIM LONERGAN

29
30 S. GUEVREKIAN YES
31 M. SPARKS ABSENT
32 M. CARN YES
33 J. ADORNATO YES
34 T. LONERGAN ABSENT

35
36 ATTEST:

37 
38

39 RENEE M. SHROUT, CMC
40 CITY CLERK

Exhibit A

DESCRIPTION:

PARCEL 1

A PORTION OF LOTS 1 THROUGH 11 INCLUSIVE AND ALL OF LOTS 12 THROUGH 18 INCLUSIVE, COMMERCIAL OAKLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LOT 1, BLOCK 1, OAKLAND MANORS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 52 OF SAID PUBLIC RECORDS, DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF N.W. 11TH AVENUE WITH THE NORTHERLY RIGHT OF WAY LINE OF NORTHEAST 38TH STREET; THENCE NORTH 01°21'45" WEST ALONG THE EAST RIGHT OF WAY LINE OF NORTHEAST 11TH AVENUE, A DISTANCE OF 291.28 FEET TO THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE SOUTH RIGHT OF WAY LINE OF NORTHEAST 39TH STREET; THENCE SOUTH 89°41'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.29 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 01°59'06" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 46989, PAGE 573 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 42.00 FEET, THROUGH A CENTRAL ANGLE OF 29°41'32", FOR AN ARC DISTANCE OF 21.77 FEET; THENCE SOUTH 55°04'19" EAST, A DISTANCE OF 6.91 FEET; THENCE SOUTH 35°29'04" EAST, A DISTANCE OF 126.44 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 351.53 FEET, THROUGH A CENTRAL ANGLE OF 01°14'16", FOR AN ARC DISTANCE OF 7.59 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 55°45'11" WEST; THE LAST TWO (2) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF RIGHT OF WAY PARCEL 111, AS DESCRIBED IN OFFICIAL RECORDS BOOK 19024, PAGE 251 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 392.00 FEET, THROUGH A CENTRAL ANGLE OF 19°21'37", FOR AN ARC DISTANCE OF 132.46 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 37.00 FEET, THROUGH A CENTRAL ANGLE OF 96°30'01", FOR AN ARC DISTANCE OF 62.32 FEET; THENCE SOUTH 01°49'03" EAST ALONG A LINE RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.28 FEET, THE LAST THREE (3) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL "A", AS DESCRIBED IN OFFICIAL RECORDS BOOK 46922, PAGE 596, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°09'56" WEST, A DISTANCE OF 46.35 FEET; THENCE NORTH 83°49'04" WEST, A DISTANCE OF 91.25 FEET TO THE POINT OF BEGINNING, THE LAST TWO (2) DESCRIBED COURSES LYING ALONG SAID NORTH RIGHT OF WAY LINE OF NORTHEAST 38TH STREET.

SAID LANDS LYING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA AND CONTAINING 39,495 SQUARE FEET (0.907 ACRES) MORE OR LESS.

TOGETHER WITH:

PARCEL 2

A PORTION OF LOTS 1 THROUGH 10 INCLUSIVE, AND ALL OF LOTS 11 THROUGH 17, BLOCK 2, AMENDED PLAT OAKLAND MANORS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 52 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NORTHEAST 11TH AVENUE WITH THE SOUTHERLY RIGHT OF WAY LINE OF NORTHEAST 38TH STREET; THENCE SOUTH 83°49'04" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 166.16 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS SOUTH 31°27'13" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 37.00 FEET, THROUGH A CENTRAL ANGLE OF 56°46'15", FOR AN ARC DISTANCE OF 36.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°46'28" EAST, A DISTANCE OF 137.73 FEET; THENCE SOUTH 05°58'07" EAST, A DISTANCE OF 94.86 FEET; THENCE SOUTH 41°21'51" WEST, A DISTANCE OF 3.99 FEET, THE LAST FOUR (4) DESCRIBED COURSES LYING ALONG THE WESTERLY BOUNDARY OF THAT CERTAIN RIGHT OF WAY PARCEL "C", AS DESCRIBED IN OFFICIAL RECORDS BOOK 46922, PAGE 596, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°10'08" WEST ALONG THE NORTH RIGHT OF WAY LINE OF NORTHEAST 37TH STREET, A DISTANCE OF 187.58 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTH 01°21'45" WEST ALONG THE EAST RIGHT OF WAY LINE OF NORTHEAST 11TH AVENUE, A DISTANCE OF 289.39 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA, AND CONTAINING 50,659 SQUARE FEET (1.163 ACRES) MORE OR LESS.



0' 60'
SCALE:

LEGEND:

— = BOUNDARIES OF GREEN REUSE AREA

NE 39TH ST

FOLIO:
494-223-000-470

FOLIO:
494-223-150-010

NE 38TH ST

FOLIO:
494-223-150-080

FOLIO:
494-223-150-082

FOLIO:
494-223-150-050

FOLIO:
494-223-150-040

FOLIO:
494-223-150-070

FOLIO:
494-223-150-030

FOLIO:
494-223-150-020

NE 37TH ST

N DIXIE HWY

NE 12TH AVE

NE 11TH AVE



ENVIRONMENTAL SERVICES, LLC
5751 MIAMI LAKES DRIVE
MIAMI LAKES, FLORIDA 33014
(305) 374-8300
(305) 374-9004 FAX

NORTH DIXIE HIGHWAY PARCELS GREEN REUSE AREA
OAKLAND PARK, FL 33334
FOLIO NO: 494-223-000-470, 494-223-150-010, 494-223-150-082, 494-223-150-070, 494-223-150-080,
494-223-150-050, 494-223-150-040, 494-223-150-030 AND 494-223-150-020

SITE MAP

Attachment B

Attachment B
Table I
Brownfield Site Rehabilitation Schedule

Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(14), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.

Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-780.680) or Leveling-Off [see Rule 62-780.700(18)]	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection.	No comment required.
Leveling Off Determination	Within 60 days of sample collection.	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Plan resampling proposal (Rule 62-780.750(4)(e), F.A.C.	Within 60 days of sample collection.	Within 60 days of receipt.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc., within 60 days of Department's response.	Within 60 days of receipt. If the brownfield site meets the requirements of Chapter 62-780, F.A.C., for the issuance of an SRCO, then an SRCO will be issued.
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to Rule 62-780.700(2), F.A.C.	Within 60 days of receipt.
Notices for Field Activities except for Start of Interim Source Removal or Emergency Response Action situations.	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-780, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.	No comment required.
Submittal of Notice required in subsection 62-780.220(7), F.A.C.	See text of rule for requirement that PRFBSR provide notice of Department's intent to approve site closure using institutional controls, institutional and engineering controls, or alternative cleanup target levels.	No comment required.

Attachment C

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

1. The City of Oakland Park, the real property owner (“undersigned” or “owner”), hereby grants permission to the Broward County Environmental Protection and Growth Management Department (“EPGMD”), the State of Florida, Department of Environmental Protection (“Department”), and their respective agents and subcontractors to enter the undersigned’s property (“the property”) located south of NE 39th Street, west of N Dixie Highway, north of NE 38th Street, and east of NE 11th Avenue, Oakland Park, Florida 33309, Folio Nos. 494223000470 and 494223150010, as described in **Attachment A** attached to the Brownfield Site Rehabilitation Agreement (“BSRA”) for the brownfield site assigned the Brownfield Site Identification Number **BF061801001**, 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, and their respective 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 EPGMD and 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 Department 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, and their respective 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 acknowledges and accepts any responsibility they may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of their respective employees acting within the scope of their employment while on the property.
7. In exercising their 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.

Signature of Real Property Owner

Signature of Witness

Print Name: _____

Print Name: _____

Title, if applicable _____

Date

{00029463.DOCX. 1 }

Site Access Agreement
Brownfield Site ID #: BF061801001
March 21, 2019
Page 2 of 2

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

Signature of Department and EPGMD
Representative

Signature of Witness

Print Name: _____

Print Name: _____

Title of Department and EPGMD representative

Attachment D

CITY OF OAKLAND PARK LETTERHEAD

Via Email Only

March __, 2019

Mr. David Vanlandingham, P.E., Engineering Unit Supervisor
Environmental Engineering and Permitting Division
Broward County Environmental Protection and Growth Management Department
1 N. University Drive, Mailbox 201
Plantation, FL 33324

Re: Brownfields Site Rehabilitation Agreement for Property Located South of NE 39th Street, West of N Dixie Highway, North of NE 38th Street, and East of NE 11th Avenue, Oakland Park, Broward County, Florida 33309, Folio Nos. 494223000470 and 494223150010 (the “Subject Property”)

Dear Mr. Vanlandingham:

The City of Oakland Park (the “City”) owns the Subject Property, which was formerly used as an auto supply facility and is currently vacant and underutilized. In an effort to spark environmental rehabilitation and increase redevelopment, the City intends to enter into a Brownfield Site Rehabilitation Agreement at the Subject Property. The City intends to redevelop the Subject Property in a manner consistent with Section 24-263(5) of its Land Development Code by creating a mixed use development that includes retail, residential, and recreational uses. The City has also coordinated with the its Planning and Zoning Division regarding the proposed redevelopment of the Subject Property and has confirmed that the proposed redevelopment is consistent with the City’s Comprehensive Plan.

If further information is needed, please do not hesitate to contact me at (954) 630-4200 or DavidH@oaklandparkfl.gov. Thank you.

Sincerely,

David Hebert, City Manager
City of Oakland Park

cc: Michael R. Goldstein, Esq., Environmental Counsel to the City of Oakland Park

Attachment E

CONTRACTOR CERTIFICATION FORM
Brownfields Redevelopment Program

Contractor Name Langan Engineering and Environmental Services, Inc. Date: March 20, 2019

Contractor Address: 110 East Broward Boulevard, Suite 1500, Fort Lauderdale, FL 33301

Contact Name: Vincent D. Yarina, P.G., CEM

Phone No.: (954) 320-2100 Fax No.: (954) 320-2101

Brownfield Site ID #: BF061801001

Contractor Certifies by Checking All Appropriate Boxes:

Yes No

- | | | |
|---|-------------------------------------|--------------------------|
| 1. It meets all certification and license requirements imposed by law. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. It complies with all applicable OSHA regulations. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), Florida Statutes (F.S.). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Section 376.80(6), F.S.]:

 _____ Signature of Officer of the Company and Date Signed	<u>Vincent D. Yarina</u> _____ Print Name of Officer of the Company
---	---

Principal/VP

Title of Officer of the Company

Contractors must immediately notify the FDEP (Brownfields District Coordinator, delegated local program) of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification.

Attachment F



State of Florida

Department of Health, Bureau of Public Health Laboratories
This is to certify that



E83079

PACE ANALYTICAL SERVICES, LLC - ORMOND BEACH FL
8 EAST TOWER CIRCLE
ORMOND BEACH, FL 32174

has complied with Florida Administrative Code 64E-1,
for the examination of environmental samples in the following categories

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS, DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER - GROUP III UNREGULATED CONTAMINANTS, DRINKING WATER - MICROBIOLOGY, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, DRINKING WATER - RADIOCHEMISTRY, DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, NON-POTABLE WATER - MICROBIOLOGY, NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS - EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - GENERAL CHEMISTRY, SOLID AND CHEMICAL MATERIALS - METALS, SOLID AND CHEMICAL MATERIALS - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS, BIOLOGICAL TISSUE - METALS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

Date Issued: September 10, 2018 Expiration Date: June 30, 2019



Patty A. Lewandowski, MBA, MT(ASCP)
Chief Bureau of Public Health Laboratories
DH Form 1697, 7/04

NON-TRANSFERABLE E83079-72-09/10/2018
Supersedes all previously issued certificates

Attachment G

Attachment G Advisory Committee Members

City of Oakland Park has appointed the Planning and Zoning Board (“PZB”) to serve as the Advisory Committee for purposes of this Brownfield Site Rehabilitation Agreement (“BSRA”). As of the execution date of this BSRA, the PZB consists of the following individuals:

Jack Doren, Chair

Celia Hall, Alternate Board Member

Toby Lawrence, Board Member

Michael O'Byrn, Board Member

Caryl Stevens, Vice Chair

Robert Waters, Board Member

All Board Members can be reached through the Staff Liaison, Alex Dambach, AICP. The contact information for Mr. Dambach is as follows:

3650 NE 12th Avenue
Oakland Park, FL 33334
(954) 630-4200
alexander.dambach@oaklandparkfl.gov

Attachment H

ATTACHMENT H - - FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the “naming convention”.
 - (a) Final reports (any text files) must be in one of the approved formats.
 - (b) Site maps and surveys shall be in TIFF, JPEG or “.pdf” format.
 - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
 - (e) The left inside cover of the media should list all the files located on the media.