

RESOLUTION NO. 2090-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING CERTAIN LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK LOCATED AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

WHEREAS, Sections 376.77 - 376.85, of the Florida Statutes, as amended, (the "Brownfields Redevelopment Act" or the "Act") authorizes the City Commission to designate by resolution certain lands as a "Brownfield Area for purposes of environmental remediation, rehabilitation, and economic development for such areas; and

WHEREAS, William E. Dingman and Richard A. Dingman, the property owner, has requested that the property located at 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) and more particularly described in Exhibit "A" attached hereto and incorporated by reference (the "Dingman Property") be designated as a Brownfield Area; and

WHEREAS, the City Commission of the City of Winter Park, Florida has considered the criteria set forth in Section 376.80(2)(a), Florida Statutes, namely:

- 1 . Whether the Brownfield Area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

WHEREAS, the City Commission of the City of Winter Park, Florida has reviewed the requirements for designation set forth in Section 376,80(2)(b), Florida Statutes, and based on the representations of the property owner, William E. Dingman and Richard A. Dingman, has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements have been satisfied:

1. William E. Dingman and Richard A. Dingman, the owner of the proposed parcel, has requested the designation and has agreed to rehabilitate and redevelop the brownfield site;
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area and William E. Dingman and Richard A. Dingman has provided

assurances that the redevelopment of the site will result in the creation of at least 5 new permanent jobs at the brownfield site which are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and which are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment agreement;

3. The redevelopment of the proposed brownfield site is consistent with the City of Winter Park Comprehensive Policy Plan and is a permissible use under the City's land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and William E. Dingman and Richard A. Dingman has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; and

5. William E. Dingman and Richard A. Dingman has provided reasonable assurance that he has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

WHEREAS, the City Commission of the City of Winter Park, Florida wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for remediation, rehabilitation, and economic development for the purposes set forth in the Act; and

WHEREAS, the procedures set forth in Section 376.80 of the Act, including the notice and public hearing requirements set forth in Sections 125.66 and 125.66(4)(b)(2) Florida Statutes (2010), have been complied with.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

Section 1. The recitals and findings set forth in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as fully set forth in this Section.

Section 2. Upon application by William E. Dingman and Richard A. Dingman, the Dingman Property described in Exhibit "A" attached hereto and incorporated herein by reference, located entirely within the municipal boundaries of the City of Winter Park, is hereby designated as the "Dingman Economic Enhancement District" which shall hereafter be known as the "Dingman: EED" and as a Brownfield Area for environmental remediation, rehabilitation, and economic development as set forth in the Act, under the following terms and conditions:

a. Pursuant to Section 376.80(3), Florida Statutes, William E. Dingman and Richard A. Dingman shall be the entity responsible for the brownfield site rehabilitation as that term is defined in Section 376.79(13), Florida Statutes.

b. The designation of the Brownfield Area by this Resolution does not, by itself, render the City Commission of the City of Winter Park, Florida responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are defined in the Act, unless the City Commission of the City of Winter Park,

Florida specifically designates itself as a responsible person pursuant to Section 376.80(3), thereof.

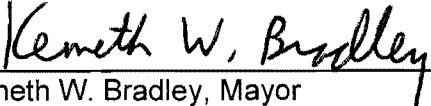
c. Nothing in this Resolution shall be deemed to prohibit, limit, or amend the authority and power or the City Commission of the City of Winter Park, Florida, otherwise legally available, to designate any other property or properties as a Brownfield Site or Brownfield Area, or to modify, amend, or withdraw the designation as established herein.

Section 3. In accordance with Section 376.80(1), Florida Statutes (2007), the City Commission of the City of Winter Park, Florida hereby directs the Economic Development/CRA Department of the City of Winter Park to notify the Florida Department of Environmental Protection of the City of Winter Park, Florida's, decision to designate this Brownfield Area for the purposes of remediation, rehabilitation, and economic development.

Section 4. All prior resolutions or parts of resolution in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 8th day of August, 2011.



Kenneth W. Bradley, Mayor

Attest: 

Cynthia S. Bonham, City Clerk

Exhibit "A"

Lots 1 and 2, and the northerly 43 feet of Lot 3, also all of Lot 6, of Block "B" of Harper Place, as recorded in Plat Book N, Page 57 of the Public Records of Orange County, Florida, and being further described as follows:

Commencing at an iron located at the southwest corner of the intersection of Orlando and Miller Avenues, in the City of Winter Park, Florida, and run thence south along the western boundary of Orlando Avenue, a distance of 143 feet to an iron; run thence west and parallel with Miller Avenue, a distance of 195 feet, more or less, to a point located in the southwest corner of Lot 6; run thence north along the west line of Lot 6 and parallel with Orlando Avenue, a distance of 143 feet to a point in the southerly line of Miller Avenue, being the northwest corner of Lot 6; run thence east along the south line of Miller Avenue, a distance of 195 feet, more or less, to an iron located at the southwest corner of Orlando and Miller Avenues, being the point of beginning.

LESS AND EXCEPT that portion thereof conveyed to the State of Florida for right-of-way purposes by Gulf Oil Corporation by Warranty Deed dated October 16, 1968 and recorded in O.R. 1779, Page 999 on November 13, 1968 in the office of the Clerk of the Circuit Court of Orange County, Florida.

Being a portion of the property conveyed to Gulf Oil Corporation by Arthur E. Harper by Warranty Deed dated February 4, 1947 and recorded in the office of the Clerk of the Circuit Court of Orange County, Florida, in Book 731, Pages 53-54 on February 4, 1947.

013821 PG 1326

RECORDED & INDEXED
Thomas H. Fisher
County Clerk, Orange Co., FL

OWNED BY WILLIAM E. DINGMAN AND RICHARD A. DINGMAN

EXHIBIT "A"

PARCEL #1:

LOT 4 AND THE SOUTH 7 FEET OF LOT 3, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL #2:

LOT 5, THE EAST 12.8 FEET OF LOT 20, LOT 21, LOT 22 AND LOT 23, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL #3:

LOTS 7 AND 8 AND THE EAST 12.8 FEET OF LOT 9, BLOCK "B", HARPER PLACE, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL #4:

THE WEST 39.03 FEET OF LOTS 9 AND 20, AND THE EAST 35.7 FEET OF LOTS 10 AND 19, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK N, PAGE 57, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

TOGETHER WITH:

THE 10 FOOT ALLEY LYING BETWEEN LOTS 4 AND 5, BLOCK B AND LOT 23, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND THE EAST 5 FEET OF THE ALLEY LYING WEST OF THE SOUTH 7 FEET OF LOT 3, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS VACATED IN ORDINANCE NO. 1538 RECORDED SEPTEMBER 18, 1984 IN OFFICIAL RECORDS BOOK 3555, PAGE 1573, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS THAT PART DEEDED TO STATE OF FLORIDA IN DEED RECORDED OCTOBER 4, 1968 IN OFFICIAL RECORDS BOOK 1770, PAGE 254; AND DEED RECORDED OCTOBER 4, 1968 IN OFFICIAL RECORDS BOOK 1770, PAGE 246; AND LESS ROAD RIGHT OF WAYS.

OWNED BY DINGMAN BROS., LLC

