

**BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH
COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**

**IN RE: Westshore Community Development Corporation
 Westshore Landings One
 Vicinity of 1522 North Clark Avenue, Tampa FL 33607
 Westshore Landings One
 Brownfield Area Identification Number: “BF290705000”
 Brownfield Site Identification Number: “BF290705001”**

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, the Environmental Protection Commission of Hillsborough County (EPC) has been delegated the authority to administer the Florida Brownfields Program on behalf of the State of Florida Department of Environmental Protection (“Department”), pursuant to §376.80(11), F.S., and the rules promulgated thereunder, Florida Administrative Code Rules (F.A.C.), Chapters 62-777 and 62-785; 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 completed; and

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

This BSRA (“BSRA”) is entered into between the EPC and the **Westshore Community Development Corporation**, hereinafter the Person Responsible For Brownfield Site Rehabilitation (“PRFBSR”) (collectively referred to as the “parties”), for the rehabilitation of the above named brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The EPC and the PRFBSR agree to the following:

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

1. ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

The Environmental Protection Commission of Hillsborough County operates pursuant to a special act, Chapter 84-446 Laws of Florida as amended ("EPC Act"), the rules promulgated thereunder, Chapter 403, F.S., and a delegation from the State dated June 15, 2004. . The lands within the geographic boundaries of Hillsborough County are within the jurisdiction of the EPC and subject to the delegation, laws, rules, regulations, authority, and orders pursuant to Chapters 376 and 403, F.S. The EPC has the authority and power to enforce the provisions of Chapters 403 and 376, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Westshore Community Development Corporation is the PRFBSR as defined in §376.79(13), F.S., for the real property described in **Attachment A** (the Brownfield Site"), incorporated herein, that has been designated by the **City of Tampa** in Resolution Number **2007-1181** approved **November 8, 2007** as a brownfield area as defined in §376.79(4), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and location map of the Brownfield Site; and (b) the **City of Tampa** resolution with the map of the designated brownfield area and its legal description.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" as defined in §376.79(17), F.S., at the real property described in **Attachment A**;
- (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., certifying that the submittal and associated work comply with the laws, rules, and applicable ordinances of the EPC, the County, and the State of Florida and

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

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., 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 EPC;

- (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 62-785, F.A.C., Brownfields Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels, adopted pursuant thereto;
- (f) to allow access by the EPC and the Department during the entire site rehabilitation process as evidenced by the attached documentation (see **Attachment C**), incorporated herein, establishing that site access has been secured in agreement with the PRFBSR. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall submit to the EPC within 15 days of the execution of the real property interest document (or if there is no written document, then 15 days from the date that such an interest is effective) a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the PRFBSR as owner of the Brownfield Site or with any party with an interest in the real property after the effective date of this agreement, granting such access to the EPC and the Department;
- (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**;and
- (h) to comply with the provisions of Section 1-7.203 Rules of the EPC and any other applicable law. Proper handling of any disturbed solid waste must comply with all federal, state, and local laws and regulations, including but not limited to Section 1-7.203 Rules of the EPC. Upon execution of this BSRA, the executed BSRA shall be attached by the EPC to a short form Director's Authorization thereby satisfying the requirement to obtain a Director's Authorization in accordance with Section 1-7.200(3) and 1-7.202(1)(c). The BSRA conditions shall be the conditions of the short form

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

Director's Authorization. If the PRFBSR is not in compliance with the BSRA and/or the redevelopment is not completed and a historic waste disposal area has been disturbed, the PRFBSR will be required to apply for and obtain a non-short form Director's Authorization pursuant to Section 1-7.202 Rules of the EPC to appropriately manage the disturbed non-permitted historic solid waste disposal area.

4. CERTIFICATION

The PRFBSR has certified that a fully executed agreement or local government resolution exists between the PRFBSR and the local government with jurisdiction over the real property described in **Attachment A**. The executed agreement shall contain the terms for the redevelopment of the real property. A copy of the PRFBSR's certification is attached as **Attachment D**.

5. PROPERTY COORDINATES AND ACREAGE

The latitude and longitude coordinates in minutes, degrees and seconds, datum used, collection method, and accuracy of collection method used to determine the coordinates for the real property described in **Attachment A** are:

Latitude (in degrees, minutes and seconds): 27°57' 30.36"N

Longitude (in degrees, minutes and seconds): 82°30' 43.37"W

Datum Used (NGVD of 1929 or NAVD of 1988): WGS84

Collection Method: Digital Map Interpolation, Google Earth Version 4.0

Map Source (if applicable): NA

Map Source Scale (if applicable): NA

Object of Interest: Center of Site Boundaries

Relationship of Point to Object of Interest: APPRX

Coordinate Accuracy Level: NA

The property consists of approximately 3.7 acres.

6. SITE CONTRACTOR

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

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 EPC 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 completed and attached as part of **Attachment E** to this BSRA, along with original copies of insurance certificates and all other documentation required below. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF and all other documentation required in this section are submitted to the EPC and approved by the EPC before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the EPC documentation as **Attachment F**, which shows a National Environmental Laboratory Accreditation Program (“NELAP”) recognized authority has accredited the laboratory(s) performing analysis.

Requirements for any contractor that performs site rehabilitation tasks at the site are as follows:

- (a) 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:
 - (i) meets all certification and license requirements imposed by law; and
 - (ii) performs or has laboratory analysis performed pursuant to National Environmental Laboratory Accreditation Program (“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; and
- (b) certification to the EPC 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.:
 - i. complies with applicable Occupational Safety and Health Administration (OSHA) regulations;
 - ii. meets all certification and license requirements imposed by law

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

- iii. maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law;
- iv. maintains **Comprehensive General Liability** coverage with minimum limits of not less than \$1 million per occurrence and \$2 million general aggregate for bodily injury and property damage;
- v. maintains **Comprehensive Automobile Liability** coverage with minimum limits of not less than \$1 million combined single limit;
- vi. maintains **Pollution Liability** coverage with limits of not less than \$3 million aggregate for personal injury or death, \$1 million per occurrence for personal injury or death, and \$1 million per occurrence for property damage;
- vii. maintains and lists the State as additional insured on the contractor's Certificate of Insurance certificates by naming the State as an Additional Insured party; and
- viii. maintains Professional Liability coverage of at least \$1 million per claim and \$1 million annual aggregate.

7. CONTINUANCE OF COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 6** of this BSRA pursuant to the requirements of §376.80(6) and (7), F.S.

8. 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). Only costs incurred and paid that are integral, necessary and required for site and costs to remove, transport, and dispose of solid waste (as defined in 403.703, FS) in accordance with Department rules may be eligible for the 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. 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 <http://www.dep.state.fl.us/waste.categories/vctc/default.htm>. For specific questions regarding the VCTC Program, please contact the FDEP's Bureau of Waste Cleanup at (850)245-8927.

9. 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. However, if an appropriate local advisory committee already exists in the designated area, 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 EPC 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, and contact numbers for all Advisory Committee members shall be included as **Attachment G**.

10. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the State of Florida, the Department and the EPC 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 negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law. Nothing in this BSRA shall be deemed a waiver, express or implied, of the EPC's sovereign immunity under Section 768.28, F.S.

11. PROFESSIONAL LIABILITY INSURANCE

Any professional engineer or professional geologist providing professional services relating to site rehabilitation program tasks must carry professional liability insurance coverage of at least \$1 million per claim and \$1 million annual aggregate in accordance with §376.80(8), F.S.

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

12. 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.

13. FAILURE TO COMPLY

If the PRFBSR fails to comply with the provisions of this BSRA, the EPC will notify the PRFBSR in writing of any breach of this BSRA. The PRFBSR will have 90 days from receipt of the letter from the EPC to return to compliance or to negotiate a modification to this BSRA with the EPC for good cause shown. The 90-day grace period does not apply if an imminent hazard exists at the site. If such imminent hazard exists, the PRFBSR shall act immediately to abate the hazard. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, then the immunity provisions of §376.82, F.S., are revoked.

14. DELAY

If any event occurs that does not result in a breach of this BSRA but causes delay or the reasonable likelihood of delay in the achievement of the requirements of this BSRA, the PRFBSR shall have the burden of proving that the mutually agreed upon delay was or will be caused by circumstances beyond the reasonable control of the PRFBSR that could not have been overcome by due diligence. Upon occurrence of the event, PRFBSR shall, within 7 days, notify the EPC orally and in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which PRFBSR intends to implement these measures. However, if an imminent hazard exists the PRFBSR shall act immediately to abate the hazard.

If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the PRFBSR, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances, or 90 days if the delay results in a breach of this BSRA, unless circumstances warrant more time in the opinion of the EPC. A letter from the EPC, to the PRFBSR, accepting or, if necessary, modifying the extension request shall confirm such agreement.

- (a) The PRFBSR shall adopt all reasonable measures to avoid or minimize any delay. Failure of the PRFBSR to comply with the notice requirements of this paragraph shall constitute a waiver of the right to request an extension of time for complying with the requirements of this BSRA. Increased costs of performance of the terms of this BSRA shall not be considered circumstances beyond the control of the PRFBSR.

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

- (b) If the EPC and PRFBSR cannot agree that any delay in the achievement of the requirements of this BSRA, including failure to submit any report or document, has been or will be caused by circumstances beyond the reasonable control of the PRFBSR, the PRFBSR may seek an administrative hearing or judicial determination of the issue pursuant to the provisions in **Paragraphs 23 and 24** of this BSRA.

15. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department or EPC 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 EPC to take action to abate an imminent hazard to the public health, welfare or the environment.

16. RELEASE OF LIABILITY

Upon successful completion of this BSRA, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for remediation required in this BSRA of the real property described in **Attachment A** to the EPC, the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the real property described in **Attachment A**.

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

17. 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 Hillsborough County, Florida.

18. SUBMITTALS

The PRFBSR shall submit two hard (paper) or one hard (paper) copy and one electronic (digital) copy of any certifications or documentation required in **Paragraph 6**, "(Site Contractor)" above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to the Brownfields Coordinator, Environmental Protection Commission of Hillsborough County, Waste Management Division, 3629 Queen Palm Drive, Second Floor, Tampa, FL 33619-1309. The EPC encourages the submittal of documents for

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in Section 8 of the Instructions and attached as **Attachment H**.

Time frames for the EPC'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 EPC approval of each report or plan, an electronic copy shall be submitted to the EPC within 30 days. The electronic copy of the report shall be submitted on Compact Disk (CD) for archiving purposes in the format listed in **Attachment H**.

19. DOCUMENT REVIEW

During the cleanup process, if the EPC fails to complete the review of a technical document within the time-frame specified in this BSRA, with the exceptions of requests for "no further action", "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 EPC to complete additional work on a previous task.

20. FEES

Nothing in this provision shall preclude the EPC from charging and collecting administrative fees, investigative costs, or other costs incurred by the EPC resulting from performing enforcement and compliance functions. Nothing in this Agreement shall prohibit the EPC from seeking penalties, damages, costs, or attorney fees as provided by law or ordinance. All civil penalties and damages recovered by the EPC shall be deposited in the Pollution Recovery Fund.

21. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the EPC and the local government with jurisdiction over the real property described in **Attachment A**. However, the EPC 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 PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

22. 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. or an appeal to any other court of competent jurisdiction. This BSRA does not deny the PRFBSR a right to challenge the EPC'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.

23. 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 execution. Upon the timely filing of such petition, this BSRA will not be effective until further order of the EPC. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the brownfield site rehabilitation agreement. The procedures for petitioning a hearing are set forth below.

Persons other than the PRFBSR affected by this BSRA have the following options.

- (a) If you choose to accept the EPC'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 EPC's decision, you may do the following:
 - (i) File a request for an extension of time to file a petition for hearing with the EPC within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with the EPC in an attempt to informally resolve any disputes without first filing a petition for hearing. The filing must be received by the EPC Legal Department (3629 Queen Palm Dr., Tampa FL 33619) within 21 days of receipt of the BSRA.

Or

- (ii) File a petition for administrative hearing with the EPC within **21** days of receipt of this BSRA. The filing must be received by the

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

EPC Legal Department (3629 Queen Palm Dr., Tampa, FL 33619)
within 21 days of receipt of the 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 EPC 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 EPC Legal Department (3629 Queen Palm Dr., Tampa, FL 33619) 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) with the EPC Legal Department (3629 Queen Palm Dr., Tampa, FL 33619) 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 waive the right of anyone who may request an administrative hearing under §§120.569 and 120.57, 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;
2. A statement of when and how each petitioner received notice of the EPC's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the EPC's action or proposed action;
4. A statement of the disputed issues of material facts or a statement that there are no disputed facts;

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

5. A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the EPC's action or proposed action;

6. A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the EPC's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the EPC to take with respect to the EPC's action or proposed action.

This BSRA is final and effective on the date of execution. Timely filing a petition for administrative hearing postpones the date this BSRA takes effect until the EPC issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the EPC pursuant to meetings with the EPC.

24. JUDICIAL REVIEW

Any party has the right to seek judicial review under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the EPC Legal Department (3629 Queen Palm Dr., Tampa, FL 33619) 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 EPC Clerk.

25. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the EPC's review of the BSRA, or technical questions should be directed to:

Brownfields Coordinator
Environmental Protection Commission of Hillsborough County
Waste Management Division
3629 Queen Palm Drive
Tampa, FL 33619-1309

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

or to the PRFBSR's representative at:

Mr. Ron Rotella,
Westshore Community Development Corporation
3109 W. Dr. Martin Luther King, Jr. Boulevard, Suite 140
Tampa, FL 33607
813-289-5488

Questions regarding legal issues should be referred to the EPC Legal Department at (813) 627-2600. 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.

26. 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.

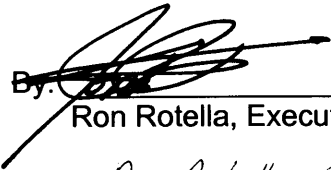
REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

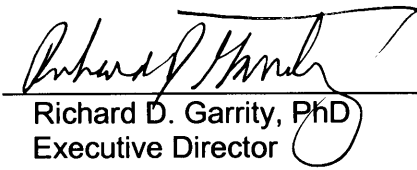
Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
BF Site ID # BF290705001

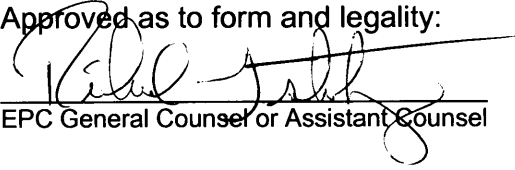
IN WITNESS WHEREOF, each of the parties have made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Richard D. Garrity, PhD, Executive Director, EPC and **Westshore Community Development Corporation**, the Person Responsible for Brownfield Site Rehabilitation, signing by and through its executive director, Ron Rotella, duly authorized to execute same.

Westshore Community
Development Corporation

Environmental Protection Commission of
Hillsborough County

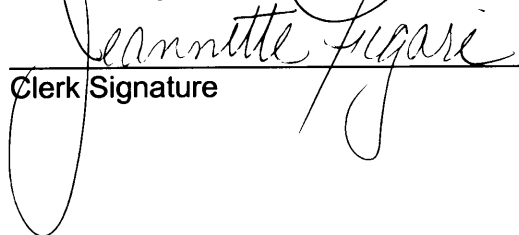
By: )
Ron Rotella, Executive Director)
Ron Rotella, Executive Director)
(Print Signatory's Name and Title))
Date: 1/25/08)

By: )
Richard D. Garrity, PhD)
Executive Director)
Date: 1/30/08)

Approved as to form and legality:

EPC General Counsel or Assistant Counsel

CC: Kimberly Walker, FDEP Brownfields Liaison
John Sego, P.G., FDEP, SW District
Holly Cauley, FDEP, OGC, Tallahassee

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to sec. 120.52 Florida Statutes, with the designated EPC Clerk, receipt of which is hereby acknowledged.

)
Clerk Signature) 1/30/08)
Date)

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

BF Site ID # BF290705001

List of Attachments

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

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

Brownfield Site ID # BF290705001

Attachment A

Map and Legal Description of the Brownfield Area and Local Government Resolution

RESOLUTION NO. 2007 - 1181

A RESOLUTION OF THE CITY OF TAMPA DESIGNATING A BROWNFIELD AREA WITHIN THE CITY OF TAMPA, FLORIDA, UPON APPLICATION FROM THE WESTSHORE COMMUNITY DEVELOPMENT CORPORATION AND HILLSBOROUGH COUNTY FOR PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH CLARK AVENUE AND WEST SPRUCE STREET, SOUTH OF 4102 WEST SPRUCE STREET AND IN THE GENERAL VICINITY OF 1522 NORTH CLARK AVENUE CONSISTING OF APPROXIMATELY 3.7 ACRES FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida, at Sections 376.77 – 376.85, adopted the Brownfields Redevelopment Act, the purpose of which is to encourage the redevelopment and the voluntary cleanup of existing commercial and industrial sites; and

WHEREAS, the Brownfields Redevelopment Act created a process whereby a local government with jurisdiction over the brownfield area must by resolution notify the State Department of Environmental Protection of its decision to designate a brownfield area for rehabilitation; and

WHEREAS, a local government shall designate a brownfield area under the provisions of the Brownfields Redevelopment Act provided that:

- (1) a person who owns or controls a potential brownfield site is requesting 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, along with 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 required under paragraph (5)(i). However, the job-creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004(3) or the creation of recreational areas, conservation areas, or parks;

- (3) The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local 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 the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least sixteen square inches in size, and the notice must be posted in the affected area;
- (5) The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan; and

WHEREAS, the City of Tampa, having conducted public hearings on the application, have determined that the above sited conditions have been satisfied; and

WHEREAS, the City of Tampa has considered:

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; and

NOW, THEREFORE

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA, THAT:**


Section 1. The City Council for the City of Tampa, upon application of the Westshore Community Development Corporation and Hillsborough County, hereby designates the property generally located southwest of the intersection of North Clark Avenue and West Spruce Street, south of 4102 West Spruce Street and in the general vicinity of 1522 North Clark Avenue consisting of and described with more particularity in the legal description attached hereto as Exhibit "A" and as depicted by the map attached hereto as Exhibit "B," as a brownfield area for rehabilitation for the purposes of Sections 376.77 – 376.85, Florida Statutes.


Section 2. The proper officers and employees of the City of Tampa are hereby authorized to do all things necessary and proper to make effective the provisions of this Resolution, which shall take effective immediately upon its adoption.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 08 2007.

ATTEST:


~~CITY CLERK/DEPUTY CITY CLERK~~


CHAIRMAN/CHAIRMAN PRO-TEM,
CITY COUNCIL

Approved as to legal sufficiency by:
Catherine Ginster, Assistant City Attorney

December 21, 2006

Project No. 2004-89-L
Spruce Street Property
Affordable Housing Project
Parcel 100

*OK.
Prepared by
Richard Crate*

Schedule "A"

That part of following described property:

Commence at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1/4 of the Southwest 1/4 N.90°00'00"E. (assumed bearing per boundary survey), a distance of 331.33 feet; thence S.00°18'45"W., a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N.90°00'00"E. along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1/4 of the Southwest 1/4, a distance of 457.24 feet to the Westerly right of way line of North Clark Avenue; thence along said right of way line S.00°22'00"W., a distance of 571.01 feet; thence S.89°58'30"W., a distance of 456.70 feet; thence N.00°18'45"E., a distance of 571.21 feet to the POINT OF BEGINNING.

Being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1/4 of the Southwest 1/4 N.90°00'00"E. (assumed bearing per boundary survey), a distance of 331.33 feet; thence S.00°18'45"W., a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N.90°00'00"E. along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1/4 of the Southwest 1/4, a distance of 50.00 feet; thence S.00°18'45"W., a distance of 198.21 feet; thence S.90°00'00"E., a distance of 328.59 feet; thence N.00°22'00"E., a distance of 28.21 feet; thence S.90°00'00"E., a distance of 50.00 feet; thence N.00°22'00"E., a distance of 30.00 feet; thence S.90°00'00"E., a distance of 28.46 feet to the Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S.00°22'00"W., a distance of 119.07 feet; thence leaving said Westerly right of way line N.89°38'00"W., a distance of 80.00 feet; thence S.00°22'00"W., a distance of 152.00 feet; thence S.89°38'00"E., a distance of 80.00 feet to said Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S.00°22'00"W., a distance of 20.00 feet; thence leaving said Westerly right of way line N.89°38'00"W., a distance of 80.00 feet; thence S.00°22'00"W., a distance of 140.50 feet; thence S.89°58'30"W., a distance of 376.70 feet; thence N.00°18'45"E., a distance of 571.21 feet to the POINT OF BEGINNING.

Containing 3.7 ac. M.O.L.

This Legal description Prepared By:
Surveying and Mapping Services Section
County Survey Division
Real Estate Department

Richard G. Crate, P.S. & M. #4232
In-House Project No. S07-0085

The Description is not complete
without the accompanying sketch
sheets 1 through 1 .

EXHIBIT A

SECTION 16, TOWNSHIP 29 S, RANGE 19 E
HILLSBOROUGH COUNTY, FLORIDA
PARCEL 100

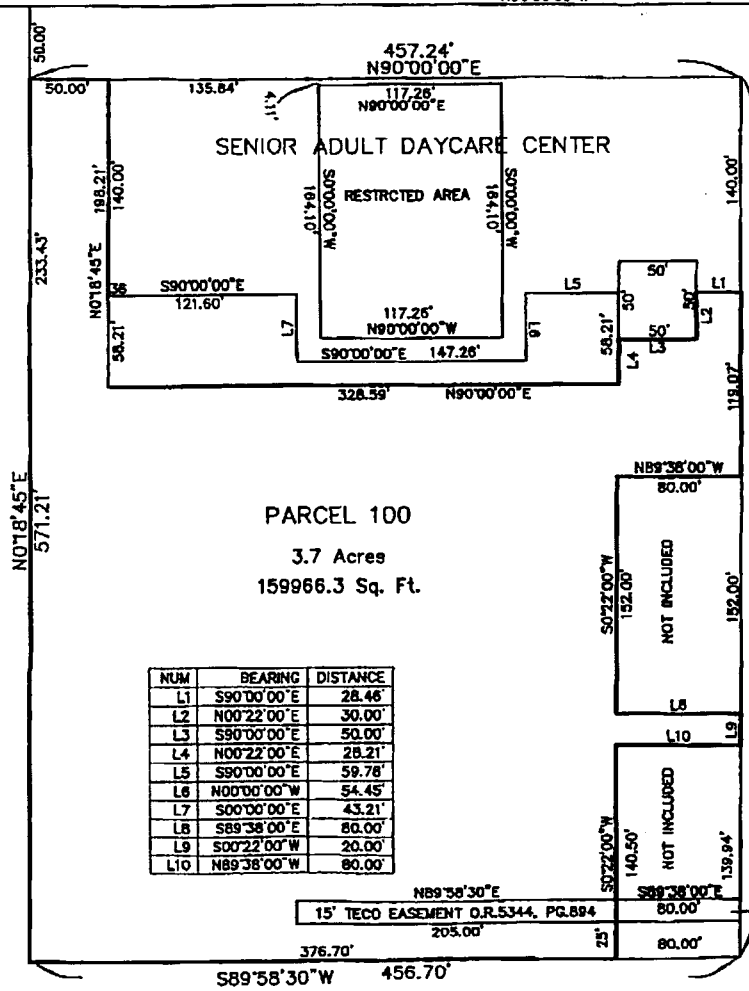
REAL ESTATE PROJECT NO. 2004-89-1

N.W. COR.
N.E. 1/4, S.W.1/4
SECTION 16-29-18

N.E. COR.
N.E. 1/4, S.W.1/4
SECTION 16-29-18

W. SPRUCE STREET
1326.37'
N90°00'00"W

EXHIBIT A



NUM	BEARING	DISTANCE
L1	S90°00'00"E	28.46'
L2	N00°22'00"E	30.00'
L3	S90°00'00"E	50.00'
L4	N00°22'00"E	28.21'
L5	S90°00'00"E	59.78'
L6	N00°00'00"W	54.45'
L7	S00°00'00"E	43.21'
L8	S89°38'00"E	80.00'
L9	S00°22'00"W	20.00'
L10	N89°38'00"W	80.00'

BASS OF BEARING: NORTH BOUNDARY SW
1/4 SECTION 16-29-18, ASSUMED
N90°00'00"E

NOT A SURVEY
THIS SKETCH PREPARED BY:
Richard G. Crate
RICHARD G. CRATE, P.S.M. # 4232
COUNTY SURVEY DIVISION
SURVEY AND MAPPING SERVICES SECTION



REAL ESTATE DEPARTMENT, COUNTY SURVEY DIVISION
601 E. Kennedy Blvd., 21st Floor Tampa, Fla. 33602
Phone: (813) 307-4755 Fax: (813) 272-6459
www.Hillsboroughcounty.org/realstate/surveymapping

SPRUCE STREET PROPERTY
AFFORDABLE HOUSING PROJECT

DRAWN BY:	W. Cove
CHECKED BY:	R. Crate
DATE:	12/22/06
18	EPS
SEC:	TWP: RNC:

SURVEY DIVISION PROJECT No.
507-0083
SHEET NO. 1
OF 1

W SPRUCE ST

N LOIS AVE

N CLARK AVE

EXHIBIT B



**City of Tampa Brownfields Community Redevelopment Program
Application for Brownfields Designation**

This application must be completed to request designation from the City of Tampa as a Brownfields site. It is important to complete all applicable sections and attach all requested information. Notice of the proposed rehabilitation of the Brownfield area must be provided to neighbors and nearby residents and must be posted in the affected area (s.376.80) (it will be the applicant's responsibility to pay for all legal and public notice requirements associated with this activity). It is recommended that the applicant schedule a Brownfields Preapplication Meeting before submitting this package to the City. The applicant is reminded that upon approval of this application, a Brownfield Site Rehabilitation Agreement with the FDEP will be required (s.376.80(5)). If you have any questions concerning the completion of this application package or wish to schedule a preapplication meeting, please call (813) 348-1094.

* Please submit an original and twelve copies of the application and supporting documentation.

PROPERTY INFORMATION

Property Name: **Westshore Landings One**

Address: **(South of) 4102 W Spruce Street**

City: **Tampa, FL 33607**

Property Size (acres/square feet): **approx. 3.7 acres/159,966 square feet**

Folio Number: **(Portion of) 110985-0000**

Attach property location map and legal description

See legal description, aerial photo and map attached on Exhibit A.

PROPERTY DESCRIPTION

Briefly describe property (vacant, unoccupied, etc.,) Include photo if appropriate:

Zoning: **RS-50 (Seeking PD zoning with division of the property)**

Future Land Use Designation: **RMU-100**

Is property located with one or more of the following? (Check all that apply)

- EPA Brownfields Pilot Project Area
- Community Redevelopment Area
- State Enterprise Zone/Federal Enterprise Community
- Community Development Block Grant Target Area

Located within one-half mile of an existing major street? Yes No

Public Street Access: Yes No

Existing public water and sewer distribution lines? Yes No

Outside flood plain area? Yes No **Small western portion in Zone A, remainder in Zone X, according to Hillsborough County Flood Map, attached as Exhibit B.**

Are there monitoring wells or private water supply well on site? Yes No

If yes, what are their type and use? _____

Describe all outstanding property taxes due on the property:

Property presently owned by Hillsborough County, no taxes due.

APPLICANT INFORMATION

Name: **Mr. Ron Rotella, Westshore Community Development Corporation**

Address: **3109 W. Dr. Martin Luther King, Jr. Boulevard, Suite 140**

City: **Tampa, FL 33607**

Phone: **813-289-5488** Fax: **813-289-6727**

E-mail: **Rotella@westshorealliance.org**

Interest in property: **Applicant and the property owner/co-applicant (Hillsborough County) have signed a contract pursuant to which the property will be conveyed to Applicant for the development of workforce housing.**

CURRENT PROPERTY OWNER & CO-APPLICANT

Name: **Hillsborough County
Attn. Mr. Michael Kelly, Director of Real Estate**

Address: **601 E. Kennedy Blvd.**

City: **Tampa, FL 33602**

Phone: **813-272-5750** Fax: **813-272-5248**

Legal status of current property owner(s):

Individual/Sole Proprietorship General Partnership State

Limited Liability Limited Partnership State

Florida Local Government

Out of State Corporation State of Incorporation _____

ENVIRONMENTAL STATUS

Provide a comprehensive description of the nature and geographical extent of contamination by hazardous substances and/or pollutants, if known (use additional pages if necessary):

The proposed site lies within the Historical Landfill #34 at the southeast corner of the intersection of Spruce Street and Lois Avenue. The landfill extends east to Grady Avenue and south to Laurel Street. Clark Avenue runs north-south through the middle of the Landfill. Historical Landfill #34 occupied approximately 40 acres. The proposed brownfield site is approximately 3.7 acres lying in the north-central portion of the former Landfill south of the County's Adult Day Care Facility. See Exhibit A for property location.

The western portion of Landfill #34, with the exception of the very southwest corner, is vacant land. Residences and a detention pond are located at the southwest corner. The southeast corner is also vacant, and is utilized as a City beautification area. A Hillsborough County work-release facility formerly occupied the north-central part of the Landfill. A portion of this former jail site north of the subject site has been developed for an Adult Day Care facility; the balance of the former jail site parcel is the subject of this proposed brownfield designation. The remainder of the Historical Landfill #34 property (east of the subject site) is occupied by City of Tampa facilities, including buildings for the fleet maintenance and solid waste.

According to Florida Land Design & Engineering, Inc. (1984), Landfill #34 received both trash and garbage until 1950. Borings and test pits conducted by consultants since that time on various portions of the landfill have identified between 2 - 8 feet of fill containing debris.

Provide a comprehensive description of any previous or current onsite remedial actions (use additional pages if necessary):

Historical assessment activities have been conducted on Historical Landfill #34 in the immediate vicinity of the subject property, and to a lesser extent on the subject property. Landfill debris was removed from the parcel immediately north of the subject site in connection with development of the Adult Day Care Facility. No debris removal activities have been conducted on the subject property to date.

If remedial action is necessary, will you agree to enter into a Brownfields Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP) or authorized designee)?

Yes No

Attach I and/or Phase I Environmental Reports for the site, if available.

DEVELOPMENT PLAN

Provide a general description of the proposed redevelopment plans for the site. Be sure to address the five (5) key Brownfields Redevelopment points as outlined in State of Florida Brownfields regulations (s.376.80(2)(b)). Attach additional sheets as necessary to complete your response.

Be sure to attach further illustrative or graphical information, as appropriate.

The Westshore Community Development Corporation proposes to remediate and redevelop the property into affordable workforce housing as defined in Section 420.0004(3), Florida Statutes, using a community land trust ownership structure and therefore will meet the following requirements of Fla. Stat. Section 376.80(2)(b):

- 1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;*

Hillsborough County presently owns the property and is a co-applicant to this application. The County has agreed to the request for this designation, and has agreed to transfer the property to the Westshore Community Development Corporation for the purposes of rehabilitation and redevelopment for workforce housing. The Westshore Community Development Corporation is complying in good faith with the terms of Environmental Protection Commission local pollution control program and will coordinate remedial efforts with the Florida Department of Environmental Protection.

- 2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with 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 required under paragraph (5)(i). However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004(3) or the creation of recreational areas, conservation areas, or parks;*

The proposed property is currently idle and underutilized as a result of the presence of City of Tampa Old Landfill #34. Through participation in the Brownfield Program, the Westshore Community Development Corporation will provide affordable housing as defined in Section 420.0004(3), Florida Statutes.

3. *The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations;*

The redevelopment of the proposed brownfield site, after the completion of a companion rezoning request, will be consistent with the local comprehensive plan and is a permissible use under the applicable local 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 the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and*

Notice of the proposed rehabilitation of the brownfield area will be provided to neighbors and nearby residents of the proposed area to be designated, and the Westshore Community Development Corporation will be afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation.

5. *The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.*

The Westshore Community Development Corporation has received a grant from the Florida Housing Finance Corp. in the amount of \$4 million towards the development of affordable workforce housing on the site, and has assisted the Hillsborough County EPC and Hillsborough County with grant applications from the U.S. Environmental Protection Agency to assist with the site assessment and cleanup. In addition, by virtue of the brownfield designation in combination with the planned construction of affordable housing, there will be state tax credits resulting from solid waste removal and other site rehabilitation activities used to further this project.

Applicant is reminded that the proposed site development is subject to final approval by City staff and must be in compliance with all applicable City codes and regulations in effect at the time of permitting.

SERVICES TO BE PROVIDED BY CITY OF TAMPA

Have you had a Brownfield Preapplication Meeting? Yes No

(It is required that all applicants have a preapplication meeting with City staff. Please call (813)348-1094 to schedule).

In order to better assist you, please check the type of designation you are requesting the type of assistance/incentives (check all that apply) you are seeking through this designation.

Type of Designation: _____ Area (multiple parcels) Site (single parcel)

Type of Assistance/Incentives Requested:

Regulatory Assistance (aid for meeting government agency permitting requirements)

Technical Assistance (aid in obtaining grants, loans, etc.)

Grants (gap financing for Brownfields remediation)

Loans (remediation loan funds)

Tax Credits/Exemptions due to Brownfields site designation

_____ Job Creation Credits due to Brownfields site designation

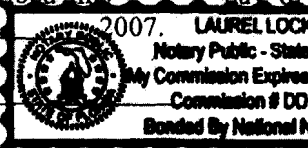
_____ Job Training Grants due to Brownfields site designation

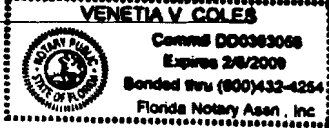
What are your goals with respect to this property (i.e. Sale, redevelopment, business expansion, etc.):

The property will be redeveloped into workforce housing for the Westshore Community using a community land trust model to maintain the property as affordable housing. This is the first time such a model has been used in Tampa and Hillsborough County and is an exciting development that takes a concrete step towards providing obtainable quality housing for vital members of our community.

The applicant is reminded that the contents of this application shall be considered a public record of the City.

The undersigned affirms that the information contained in this application is true and accurate.

<p>Westshore Community Development Corporation, a Florida not for profit corporation</p> <p>By: <u>[Signature]</u> Petitioner/Authorized Agent</p>	<p>Sworn to and subscribed this <u>12th</u> day of <u>Apr</u>, 2007.</p> <p><u>[Signature]</u> Notary Public My Commission Expires:</p> 
---	--

<p>Hillsborough County, a political subdivision of the State of Florida</p> <p>By: <u>[Signature]</u> Petitioner/Authorized Agent</p>	<p>Sworn to and subscribed this <u>10th</u> day of <u>APRIL</u>, 2007.</p> <p><u>[Signature]</u> Notary Public My Commission Expires:</p> 
--	---

=====
For City use only:

Application received by: _____ Date: _____

City Council date for designation of site as a Brownfields site: _____

Certification by Land Development Coordination Division

1. Application deemed complete _____
2. Legal Description is correct & complete _____ Approved by _____, Right-of-Way Sec., Date _____
3. Application is correct & complete _____ Requested zoning complies w/Land Use Plan Designation _____
4. Site Plan meets minimum requirements _____ Certified by _____ (Zoning Analyst) Date _____

Exhibit A

Legal description, aerial photo and location map

December 21, 2006

Project No. 2004-89-L
Spruce Street Property
Affordable Housing Project
Parcel 100

*OK.
Prepared by
Richard Crate*

Schedule "A"

That part of following described property:

Commence at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1/4 of the Southwest 1/4 N.90°00'00"E. (assumed bearing per boundary survey), a distance of 331.33 feet; thence S.00°18'45"W., a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N.90°00'00"E. along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1/4 of the Southwest 1/4, a distance of 457.24 feet to the Westerly right of way line of North Clark Avenue; thence along said right of way line S.00°22'00"W., a distance of 571.01 feet; thence S.89°58'30"W., a distance of 456.70 feet; thence N.00°18'45"E., a distance of 571.21 feet to the POINT OF BEGINNING.

Being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1/4 of the Southwest 1/4 N.90°00'00"E. (assumed bearing per boundary survey), a distance of 331.33 feet; thence S.00°18'45"W., a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N.90°00'00"E. along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1/4 of the Southwest 1/4, a distance of 50.00 feet; thence S.00°18'45"W., a distance of 198.21 feet; thence S.90°00'00"E., a distance of 328.59 feet; thence N.00°22'00"E., a distance of 28.21 feet; thence S.90°00'00"E., a distance of 50.00 feet; thence N.00°22'00"E., a distance of 30.00 feet; thence S.90°00'00"E., a distance of 28.46 feet to the Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S.00°22'00"W., a distance of 119.07 feet; thence leaving said Westerly right of way line N.89°38'00"W., a distance of 80.00 feet; thence S.00°22'00"W., a distance of 152.00 feet; thence S.89°38'00"E., a distance of 80.00 feet to said Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S.00°22'00"W., a distance of 20.00 feet; thence leaving said Westerly right of way line N.89°38'00"W., a distance of 80.00 feet; thence S.00°22'00"W., a distance of 140.50 feet; thence S.89°58'30"W., a distance of 376.70 feet; thence N.00°18'45"E., a distance of 571.21 feet to the POINT OF BEGINNING.

Containing 3.7 ac. M.O.L.

This Legal description Prepared By:
Surveying and Mapping Services Section
County Survey Division
Real Estate Department

Richard G. Crate, P.S. & M. #4232
In-House Project No. S07-0085

The Description is not complete
without the accompanying sketch
sheets 1 through 1 .

SECTION 16, TOWNSHIP 29 S, RANGE 19 E
 HILLSBOROUGH COUNTY, FLORIDA
 PARCEL 100

REAL ESTATE PROJECT NO. 2004-89-1

N.W. COR.
 N.E. 1/4, S.W.1/4
 SECTION 16-29-18

N.E. COR.
 N.E. 1/4, S.W.1/4
 SECTION 16-29-18

W. SPRUCE STREET

1326.37'
 N90°00'00"W



331.33'

50.00'

50.00'

198.21'

140.00'

233.43'

NOT 18°45'E

571.21'

571.21'

NOT 18°45'E

571.21'

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

571.21'

NOT 18°45'E

457.24'
 N90°00'00"E

135.84'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

117.26'

SENIOR ADULT DAYCARE CENTER

RESTRICTED AREA

S90°00'00"E

121.60'

S90°00'00"E

147.26'

S90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

328.59'

N90°00'00"E

PARCEL 100
 3.7 Acres
 159966.3 Sq. Ft.

NUM	BEARING	DISTANCE
L1	S90°00'00"E	28.48'
L2	N00°22'00"E	30.00'
L3	S90°00'00"E	50.00'
L4	N00°22'00"E	28.21'
L5	S90°00'00"E	59.78'
L6	N00°00'00"W	54.45'
L7	S00°00'00"E	43.21'
L8	S89°38'00"E	80.00'
L9	S00°22'00"W	20.00'
L10	N89°38'00"W	80.00'

N89°58'30"E

15' TECO EASEMENT O.R.5344, PG.894

205.00'

376.70'

S89°58'30"W 456.70'

S07°22'00"W

152.00'

S07°22'00"W

140.50'

S07°22'00"W

139.94'

S07°22'00"W

S07°22'00"W

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

NOT INCLUDED

S00°22'00"W
 571.01'

S00°22'00"W
 152.00'

S00°22'00"W
 152.00'

S00°22'00"W
 152.00'

S00°22'00"W
 152.00'

S00°22'00"W
 152.00'

N. CLARL AVENUE

15' TECO EASEMENT
 O.R.5344, PG.889

BASIS OF BEARING: NORTH BOUNDARY SW
 1/4 SECTION 16-29-18, ASSUMED
 N90°00'00"E

NOT A SURVEY

THIS SKETCH PREPARED BY:

Richard G. Crate

RICHARD G. CRATE, P.S.M. # 4232
 COUNTY SURVEY DIVISION
 SURVEY AND MAPPING SERVICES SECTION

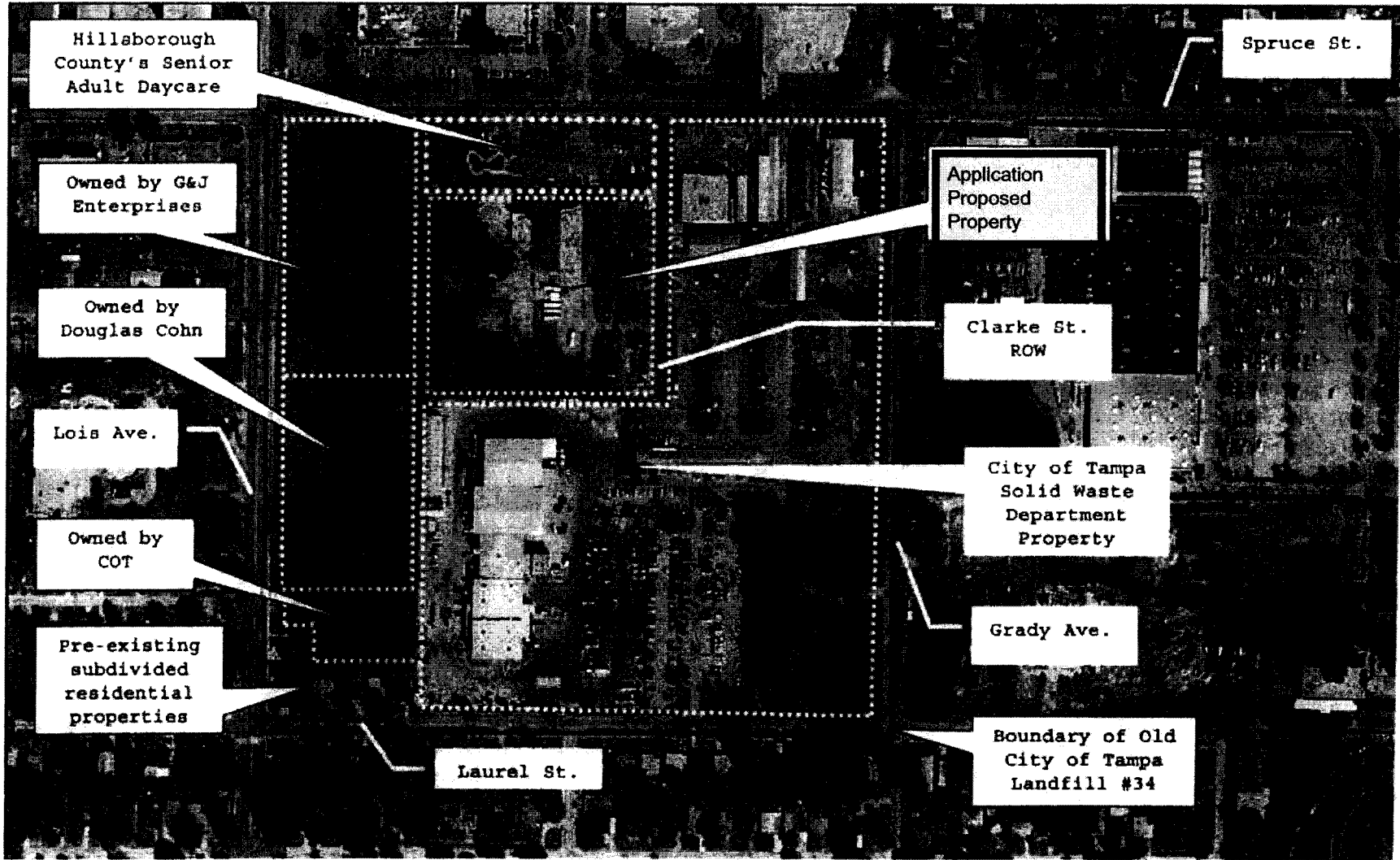


REAL ESTATE DEPARTMENT, COUNTY SURVEY DIVISION
 601 E. Kennedy Blvd., 21st Floor Tampa, Fla. 33602
 Phone: (813) 307-4755 Fax: (813) 272-6459
 www.Hillsboroughcounty.org/realstate/surveymapping

SPRUCE STREET PROPERTY
 AFFORDABLE HOUSING PROJECT

DRAWN BY	W. Gove
CHECKED BY	R. Crate
DATE	12/22/06
SEC.	295
TWP.	19E
RNC.	

SURVEY DIVISION PROJECT No.	S07-0085
SHEET NO. 1	OF 1



Hillaborough
County's Senior
Adult Daycare

Spruce St.

Owned by G&J
Enterprises

Application
Proposed
Property

Owned by
Douglas Cohn

Clarke St.
ROW

Lois Ave.

City of Tampa
Solid Waste
Department
Property

Owned by
COT

Grady Ave.

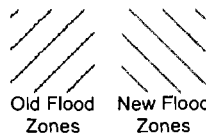
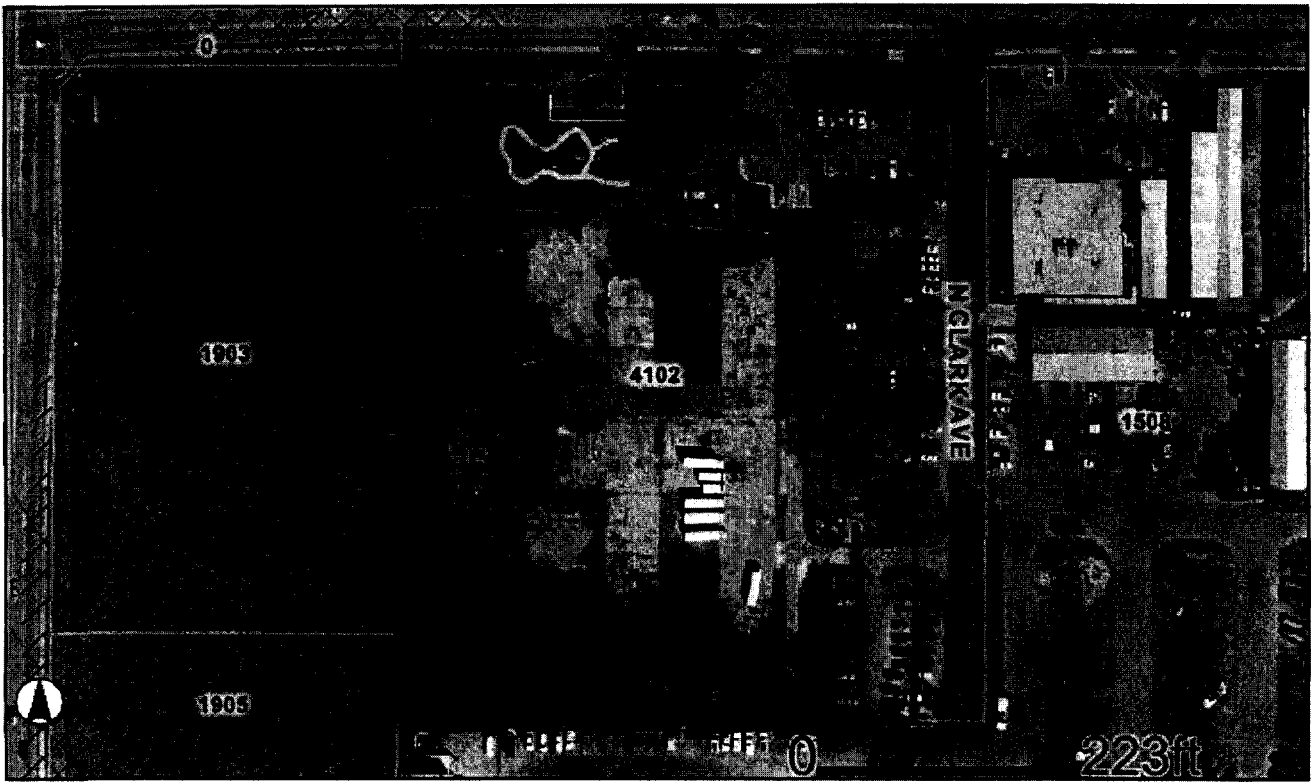
Pre-existing
subdivided
residential
properties

Laurel St.

Boundary of Old
City of Tampa
Landfill #34

Exhibit B

Hillsborough County Flood Map



Floodway Area

Base Flood Elevation (BFE)
 BFE is the height above sea level, in feet that water is expected to rise to during the high-risk storm event at that location. Base flood elevations are in the datum of NAVD 88.

[Click here to see map without aerial](#)

The parcel is partially or totally within the following flood zones:

Old (Existing) Flood Zone Designation:	Zone:Zone X,Zone A
New (Proposed/Preliminary) Flood Zone Designation:	Zone:A ,X

Zones A, AE, V and VE designate areas of high flood risk.
 Zone X (areas with no hatching on the map) indicates low to moderate flood risk.

Please note: this search feature will display results only for the address that was entered. Adjacent property may not necessarily have the same flood zones. To look up the flood zones for a different property close this window and return to the address input page.

Click this link for a description of [FEMA flood zone definitions](#) (ex. A, AE, VE, X)

September 13, 2007

Daniel M. Fahey
City of Tampa
Office of Environmental Coordination
4010 W. Spruce Street
Tampa, Florida 33607

RE: **Westshore Landings One – Brownfields Application**

Dear Dan,

The purpose of this letter is to serve as an addendum to the above listed application for Brownfields Designation. Since the application was submitted, two events have occurred that have a direct impact on the application. The events are:

1. A public meeting was held on July 16, 2007 at the Hillsborough County Westshore Senior Center located at 4102 W. Spruce Street. At this meeting the project and the Brownfields Designation process were discussed and questions from interested citizens were answered.
2. The property proposed for Brownfields Designation was rezoned by the Tampa City Council at its public hearings of August 23, 2007 and September 6, 2007. The zoning of the property is now PD consistent with the development plan outlined in the previously submitted Brownfields Designation application. (See attached)

Thank you for your assistance with this process and I look forward to seeing the results of the staff review of the Brownfields Designation application. Please let me know as soon as possible when we can schedule the public hearing on this application.

Sincerely,



Ron Rotella
Westshore Community Development Corporation

CC: Mike Kelly, Director of Real Estate, Hillsborough County, Florida

7

ORDINANCE NO. 2007- 188

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF 1522 NORTH CLARK AVENUE, IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION(S) RS-50 (RESIDENTIAL SINGLE-FAMILY) TO PD (PLANNED DEVELOPMENT, DWELLING, SINGLE FAMILY ATTACHED); PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing as required by law was held in City Council Chambers, Third Floor, City Hall, 315 East Kennedy Boulevard, in the City of Tampa, Florida, relating to the rezoning of the real property described in Section 1 of this ordinance under the terms and provisions of Chapter 27, City of Tampa Code.

NOW, THEREFORE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the Zoning District Classification upon the following described real property, situate, lying and being in the City of Tampa, County of Hillsborough and State of Florida, more particularly described as follows:

LEGAL DESCRIPTION: (Attached hereto and made a part hereof as Exhibit A),

which is presently zoned RS-50 (residential single-family) under City of Tampa Code Chapter 27, be changed to ZONING DISTRICT CLASSIFICATION PD (planned development, dwelling, single family attached), as provided for in Chapter 27, City of Tampa Code, and that the zoning map be amended to reflect said change on the above-described legal description and all information shown thereof shall be as much a part of this ordinance as if such information set forth on said zoning map of the City of Tampa was all fully described and set out herein.

Section 2. That said Zoning District Classification is hereby amended and to be controlled by the approved, certified site development plan, a copy of which is attached hereto and by reference made a part hereof as Exhibit B.

Section 3. That approval of this rezoning shall not release the Petitioner/Owner from meeting the requirements of the City of Tampa's Concurrency Management System Ordinance at the time of actual permitting and development of the rezoned site, if applicable.

Section 4. That the approval of said rezoning shall not release the Petitioner/Owner from meeting all other applicable sections of the City of Tampa Code, as such sections relate to the actual permitting and development of the rezoned site.

207-80

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Section 5. That all ordinances in conflict herewith are repealed to the extent of any conflict.


Section 6. That if any part of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 7. That this ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON ~~SEP 06 2007~~

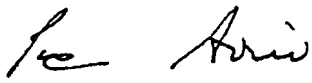
ATTEST:


CHAIRMAN/CHAIRMAN PRO-TEM,
CITY COUNCIL


CITY CLERK/DEPUTY CITY CLERK

APPROVED by me on SEP 07 2007

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:


PAM IORIO, MAYOR

E/S
JULIA MANDELL COLE
SENIOR ASSISTANT CITY ATTORNEY

Z07-80

Petition to Rezone

City of Tampa
Land Development Coordination
306 East Jackson Street, 3E
Tampa, FL 33602
(813) 274-8405 or 8403
(813) 274-7706 fax



Legal Description (use separate sheet if needed) - MUST BE TYPED & DO NOT ABBREVIATE:

That part of following described property:

Commence at the Northwest corner of the Northeast 1 / 4 of the Southwest 1 / 4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1 / 4 of the Southwest 1 / 4 N90°00'00"E (assumed bearing per boundary survey), a distance of 331.33 feet; thence S00°18'45"W, a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N90°00'00"E along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1 / 4 of the Southwest 1 / 4, a distance of 457.24 feet to the Westerly right of way line of North Clark Avenue; thence along said right of way line S00°22'00"W, a distance of 571.01 feet; thence S89°58'30"W, a distance of 456.70 feet; thence N00°18'45"E, a distance of 571.21 feet to the POINT OF BEGINNING.

Being more particularly as follows:

Commence at the Northwest corner of the Northeast 1 / 4 of the Southwest 1 / 4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1 / 4 of the Southwest 1 / 4 N90°00'00"E (assumed bearing per boundary survey), a distance of 331.33 feet; thence S00°18'45"W, a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N90°00'00"E along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1 / 4 of the Southwest 1 / 4, a distance of 50.00 feet; thence S00°18'45"W, a distance of 198.21 feet; thence S90°00'00"E, a distance of 328.59 feet; thence N00°22'00"E, a distance of 28.21 feet; thence S90°00'00"E, a distance of 50.00 feet; thence N00°22'00"E, a distance of 30.00 feet; thence S50°00'00"E, a distance of 28.46 feet to the Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S00°22'00"W, a distance of 119.07 feet; thence leaving said Westerly right of way line N89°38'00"W, a distance of 80.00 feet; thence S00°22'00"W, a distance 152.00 feet; thence S89°38'00"E, a distance of 80.00 feet to said Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S00°22'00"W, a distance of 20.00 feet; thence leaving said Westerly right of way line N89°38'00"W, a distance of 80.00 feet; thence S00°22'00"W, a distance of 140.50 feet; thence S89°58'30"W, a distance of 376.70 feet; thence N00°18'45"E, a distance of 571.21 feet to the POINT OF BEGINNING

Containing 3.7 Acres more or less.

City of Tampa
Right of Way & Mapping Section
LEGAL DESCRIPTION APPROVED

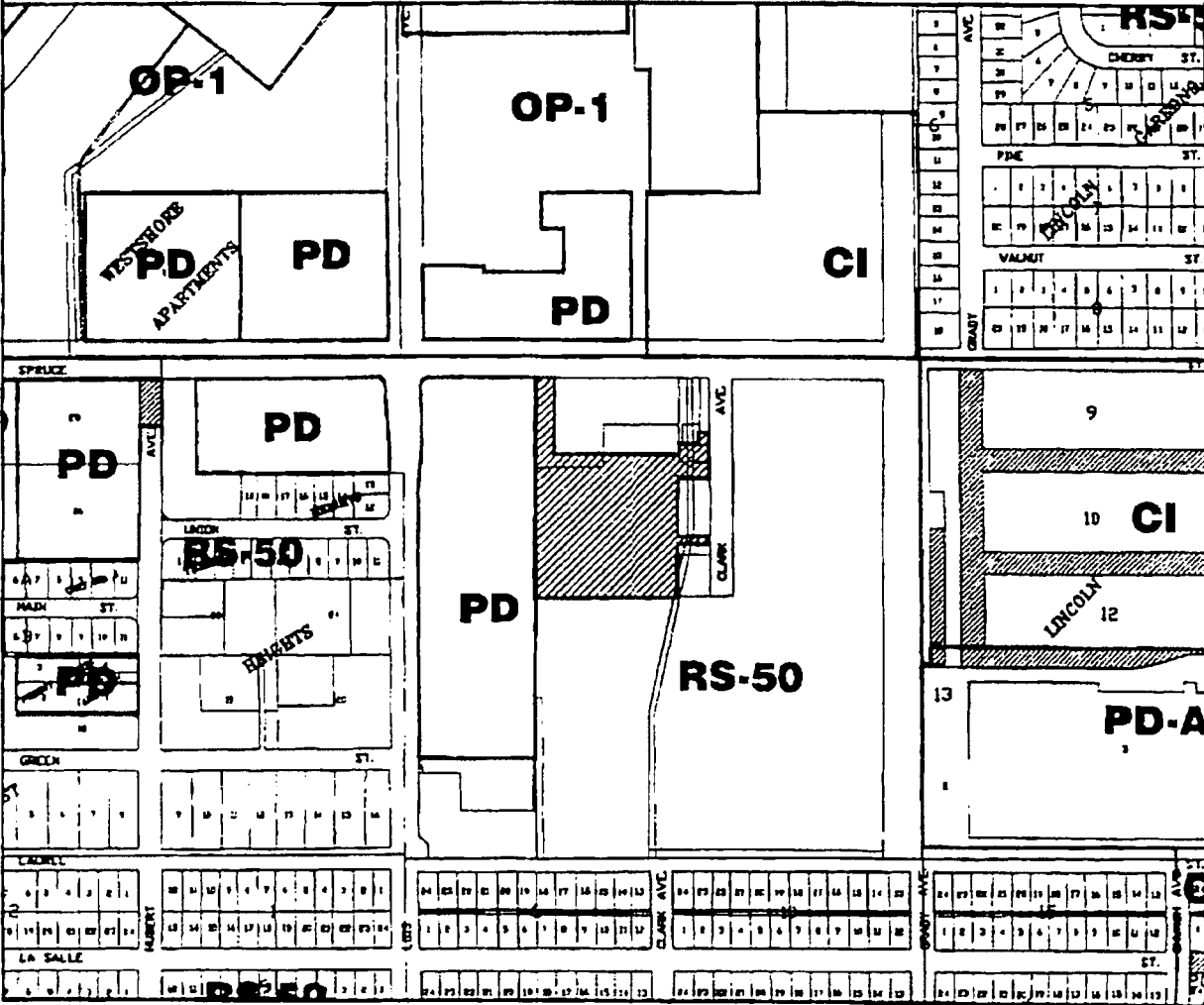
Date: 6-28-07 File No. 307-80

Attest: H.S. By: [Signature]

EXHIBIT "A"

REZONING

GENERAL LOCATION: No Address



Sec. 16 - T 29 S - R 18 E
 Atlas Sheet: M-9
 Scale: 1" = 400
 FILE NO.: Z07-80

RIGHT OF WAY AND MAPPING
 LAND DEVELOPMENT COORDINATION
 GROWTH MANAGEMENT & DEVELOPMENT SERVICES
 CITY OF TAMPA, FLORIDA



 - REZONING AREA

FROM: RS-50

TO: PD

RS-50-RESIDENTIAL SINGLE FAMILY
 RS-80-RESIDENTIAL SINGLE FAMILY
 RS-75-RESIDENTIAL SINGLE FAMILY
 RS-100-RESIDENTIAL SINGLE FAMILY
 RS-150-RESIDENTIAL SINGLE FAMILY
 RM-12-RESIDENTIAL MULTI FAMILY
 RM-16-RESIDENTIAL MULTI FAMILY
 RM-18-RESIDENTIAL MULTI FAMILY
 RM-24-RESIDENTIAL MULTI FAMILY

RM-35-RESIDENTIAL MULTI FAMILY
 RM-50-RESIDENTIAL MULTI FAMILY
 RM-75-RESIDENTIAL MULTI FAMILY
 RO-RESIDENTIAL OFFICE
 RO-1-RESIDENTIAL OFFICE
 OP-OFFICE PROFESSIONAL
 OP-1-OFFICE PROFESSIONAL
 CN-COMMERCIAL NEIGHBORHOOD
 CG-COMMERCIAL GENERAL

CI-COMMERCIAL INTENSIVE
 IG-INDUSTRIAL GENERAL
 IH-INDUSTRIAL HEAVY
 PD-PLANNED DEVELOPMENT
 M-AP-AIRPORT COMPATIBILITY
 CBD-CENTRAL BUSINESS DISTRICT
 YC-YBOR CITY HISTORIC DISTRICT
 TOD-TAMPA QUALITY DEVELOPMENT
 CD-CHANNEL DISTRICT
 PP-PUBLIC PARK

City of Tampa
Brownfields Community Redevelopment Program



Staff Report
on the
Westshore Landings One
Application for Brownfield Area Designation

September 2007

Introduction

The City Council adopted the City of Tampa Brownfields Community Redevelopment Program by Resolution No. 2000-0855 on June 15, 2000. The program is authorized by Chapter 376.77 – 376.85, Florida Statutes, known as the “Brownfields Redevelopment Act”. The primary goals of the Act are to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of these sites; derive cleanup target levels and a process for obtaining a “No Further Action” letter using Risk-Based Corrective Action principles; and provide the opportunity for environmental equity and justice.

Chapter 376.79, FS, defines brownfield sites as “sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination. Chapter 376.80, FS, provides that a local government with jurisdiction over the brownfield area may decide to designate a brownfield area for rehabilitation. This designation must include a resolution by the local government body, a map and legal description identifying the parcels to be included for designation. Upon designation, the local government must notify the Florida Department of Environmental Protection (FDEP) and must identify the person responsible for site rehabilitation.

The designation of a brownfield area and the identification of a person responsible for the site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with FDEP or approved local pollution control program. The responsible party can negotiate the necessary cleanup under the “risk-based corrective action principles” which facilitates the cleanup process and may reduce the level of remediation required.

Sites that are designated as brownfields may also be eligible for state and federal incentives including the “brownfield redevelopment bonus” under the State of Florida Qualified Target Industry Program, a voluntary cleanup tax credit, refund of state sales and use tax on building materials, loan guarantee for cleanup costs, and participation in various other programs.

Brownfield areas not investigated and remediated, if necessary, are inefficient use of urban land; contribute to community decline; present a potential hazard to public health; and if left unaddressed, result in premature expansion and sprawl of urban development. Environmental remediation and reuse of brownfields is in the best economic, environmental and community interest of the City of Tampa. As such, it is the policy of the City of Tampa to provide assistance and incentives to public and private landowners and businesses to facilitate the owner’s environmental investigation, cleanup and reuse of contaminated urban properties as part of the City’s redevelopment and growth management strategy.

Applicant Information

A complete application for brownfield designation of the Westshore Landings One Property (former Jail West site) was submitted to the City of Tampa by the Westshore Community Development Corporation and Hillsborough County in September of 2007 (see attached application and addendum letter). The Westshore Community Development Corporation and Hillsborough County are requesting that the City of Tampa approve this proposed designation in order to utilize incentives available to designated brownfield areas to facilitate the cleanup and redevelopment of underutilized properties.

Proposed Brownfield Designation Area Information

The area proposed for Brownfield Designation is approximately 3.7 acres in size and is a portion of a larger 5.8 acre parcel. This 5.8 acre parcel, located in Tampa's Westshore area is owned by Hillsborough County government. Formerly known as the "Jail West" site, the northern portion of this property has been redeveloped into a county Adult Day Care Facility. The area proposed for Brownfield Designation is the remaining 3.7 acre vacant portion of this 5.8 acre parcel. Westshore Community Development Corporation has entered into a Purchase Agreement dated November 1, 2006 to acquire the undeveloped portion of the parcel from Hillsborough County, remediate all environmental impacted areas and redevelop the property into affordable workforce housing. The 3.7 acre area proposed for Brownfield Designation does not currently have its own individual street address and is referenced by neighboring street intersections or addresses such as: generally located southwest of the intersection of North Clark Avenue and West Spruce Street, south of 4102 West Spruce Street and in the general vicinity of 1522 North Clark Avenue. The legal description for the 3.7 acre proposed Brownfield Designation area is included in the Brownfield Designation application as an attachment.

Environmental Issues

The area proposed for Brownfield Designation lies within the boundaries of City of Tampa Historic Landfill #34. Records indicate that Historic Landfill #34 occupied approximately 40-acres surrounding the proposed Brownfield Designation area. Prior to the redevelopment of any former landfill area in Hillsborough County, a property owner must receive a Director's Authorization Permit from the Environmental Protection Commission (EPC) of Hillsborough County. Westshore Community Development Corporation has stated that prior to remediation activities at the proposed designation site, they will comply with all requirements of an EPC Director's Authorization Permit and a Brownfield Site Rehabilitation Agreement. These requirements will be monitored and enforced with a coordinated effort of the Environmental Protection Commission of Hillsborough County and the Florida Department of Environmental Protection.

Anticipated Redevelopment Plan

The Westshore Community Development Corporation and Hillsborough County have entered into a Property Transfer Agreement for the area proposed for Brownfield Designation to Westshore Community Development Corporation prior to remediating and developing the site. The development plans include the construction of approximately 57 affordable work-force housing units.

Applicant Compliance with Brownfield Designation Criteria

The Brownfields Redevelopment Act sets forth the process and criteria by which a local government shall designate a brownfield area. This section will outline each criterion and describe how the applicant meets or fails to meet the criteria.

- **Chapter 376.80(2)(a) provides that in determining the areas to be designated, the local government must consider certain issues. The following are the issues to be considered and City staff's findings concerning these issues:**

1. **Whether the brownfield area warrants economic development and has a reasonable potential for such activities;**

The area proposed for Brownfield Designation is an undeveloped, environmentally impacted property that warrants economic development.

2. **Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;**

The proposed area to be designated is part of a single parcel that is approximately 3.7 acres in size. This proposed designation area is not overly large in geographic coverage.

3. **Whether the area has potential to interest the private sector in participating in rehabilitation;**

Westshore Community Development Corporation, a private Florida not-for-profit corporation is the single entity that will acquire, remediate and redevelop the proposed Brownfield Designation area.

4. **Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purposes.**

All of the proposed 3.7-acre property that is proposed for Brownfield Designation will be utilized for the affordable housing units. None of the proposed area will be used for recreational open space, cultural or historic preservation purposes.

- **Chapter 376.80(2)(b) states that a local government shall designate a brownfield area under the certain provisions of the act. The following are the required provisions and staff's findings concerning compliance with the provision:**

1. **A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;**

Westshore Community Development Corporation and Hillsborough County have submitted the request to the City of Tampa for the Brownfield Designation. Hillsborough County is the current property owner and Westshore Community Development Corporation has agreed to rehabilitate and redevelop the proposed site. The Westshore Community Development Corporation will acquire the proper remediation permits and address all environmental impacts under the oversight of County and State environmental regulatory agencies following the proposed Brownfield Designation.

2. **The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with 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 required under paragraph (5)(i). However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004(3) or the creation of recreational areas, conservation areas, or parks;**

The development plan submitted by the Westshore Community Development Corporation identifies the construction of approximately 57 affordable housing units. As such, job creation is not required.

3. **The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations;**

City staff has reviewed the attached application and has determined that the proposed development project is in conformance with Tampa's Comprehensive Plan and is a permissible use under the applicable local land development regulations.

4. **Notice of the proposed rehabilitation of the brownfield has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area;**

The Westshore Community Development Corporation and Hillsborough County will meet all of the requirements of the Florida Brownfields Redevelopment Act regarding public notification and public meetings. A public meeting was advertised, posted and held on July 16, 2007 in the vicinity of the proposed Brownfield Designation. A transcript of this meeting was submitted to the City, a copy of which is on file at the City of Tampa Office of Environmental Coordination. A City staff member attended this public meeting. Additionally, two public hearings will be scheduled before City Council that will afford the neighbors and nearby residents the opportunity to comment on the proposed Brownfield Designation area. Both public hearings will be advertised and posted as required by state law.

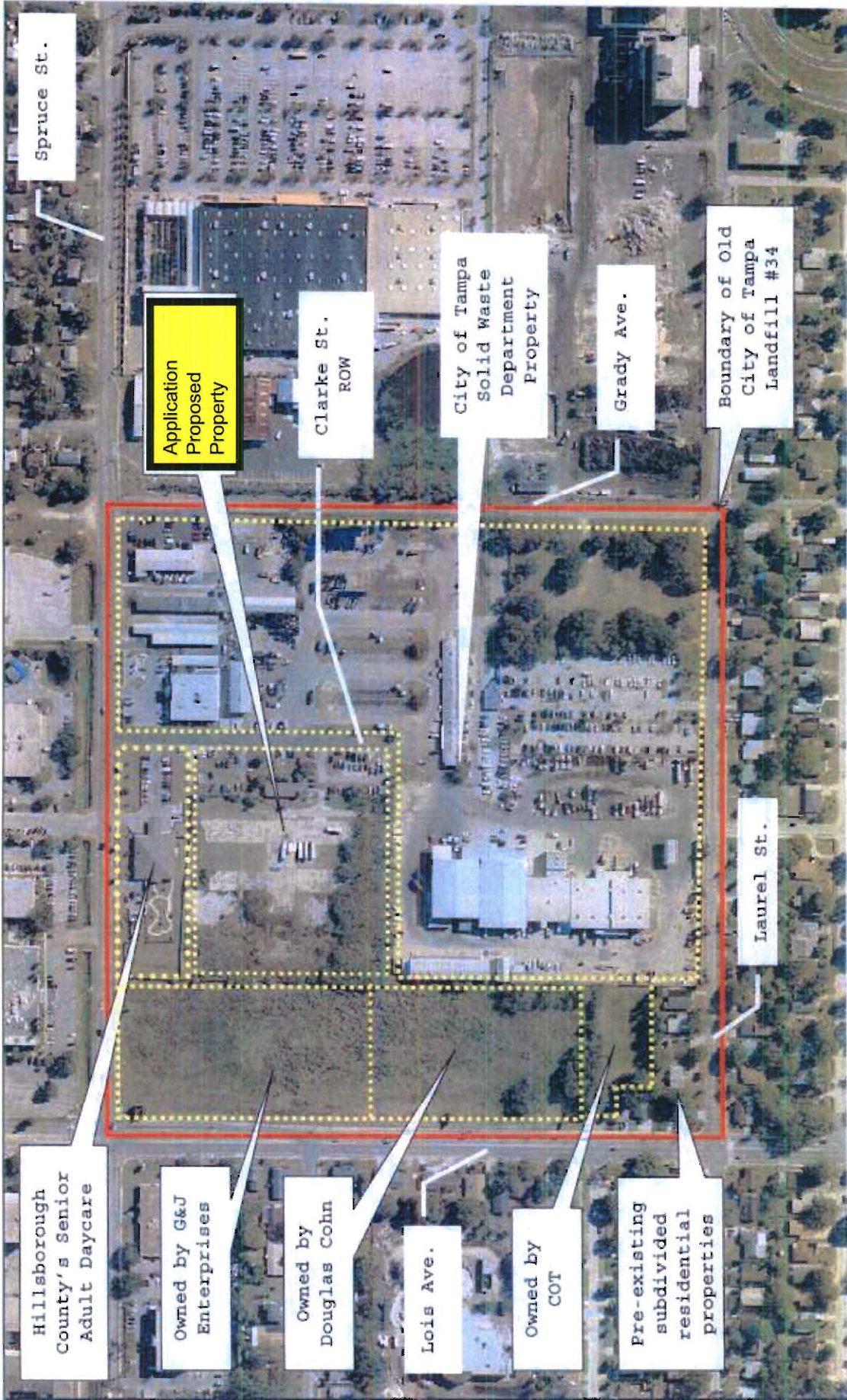
5. **The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.**

The Westshore Community Development Corporation has requested \$725K from Hillsborough County from the County's EPA Brownfield Cleanup Revolving Loan Fund. These funds will be used to address all adverse environmental impacts identified at the proposed Brownfield Designation site. Additionally, the Westshore Community Development Corporation has received a grant from the Florida Housing Finance Corporation in the amount of \$4 million towards the development and construction of affordable housing units on the site. The applicant has provided reasonable assurance that they have sufficient financial resources to implement and complete the rehabilitation and redevelopment plan.

Recommendation

The details of this proposed Brownfield Area Designation have been reviewed by staff of the City of Tampa Legal Department, Business and Housing Development Department and the Office of Environmental Coordination.

All of the issues and requirements that are specified in Florida State Statutes, known as the “Brownfields Redevelopment Act” have been identified and addressed. In an effort to encourage and facilitate environmental cleanup and redevelopment of Westshore Landings One Property, City staff recommends adoption of the resolution to designate the property identified as a Brownfield Area.



Hillsborough
County's Senior
Adult Daycare

Owned by G&J
Enterprises

Owned by
Douglas Cohn

Lois Ave.

Owned by
COT

Pre-existing
subdivided
residential
properties

Spruce St.

Application
Proposed
Property

Clarke St.
ROW

City of Tampa
Solid Waste
Department
Property

Grady Ave.

Boundary of Old
City of Tampa
Landfill #34

Laurel St.

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF290705001

Attachment B

Brownfield Site Rehabilitation Schedule

Attachment B
Table I
Submittals and Time-frames

Type of Report or Activity	PRFBSR Action or Submittal Time-frames	EPC Review or Comment Time-frames
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-785.500).	Within 30 days of receipt.
Interim Source Removal Status Report	Within 180 days of initiating source removal activities.	No comment required.
Interim Source Removal Report	Within 60 days of completion of source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) (See Rule 62-785.450, F.A.C.)	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.)	Within 60 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (62-785.680).	Within 60 days of receipt.
Natural Attenuation with Monitoring Proposal (NA)	When the site meets the criteria for Natural Attenuation for Monitoring (See Rule 62-785.690).	Within 60 days of receipt.
Natural Attenuation with Monitoring Report (NAMR)	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a 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.
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 Plan (PARMP)	When the site meets the criteria for NFA (62-785.680) or Leveling-Off (62-785.700(17))	Within 60 days of receipt.
Post Active Remediation Monitoring Report	Within 60 days of sample collection.	No comment required.
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 EPC's response.	Within 60 days of receipt. If the brownfield area meets the requirements of Chapter 62-785, F.A.C. for the issuance of a SRCO, a SRCO will be issued.
Notices for Field Activities	Within seven (7) days but not less than three (3) working days prior notice to the EPC to perform field activity.	No comment required.
Submittal to the EPC of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-785, FAC	Within 60 days of receipt of the EPC's response.	Within the same time-frame for review of the original submittal.

Westshore Community Development Corporation

Brownfield Site Rehabilitation Agreement

Brownfield Site ID # BF290705001

Attachment C

Site Access Agreement

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

1. The Westshore Community Development Corporation (“undersigned”), owner, hereby gives permission to the Environmental Protection Commission of Hillsborough County (“EPC”) and their agents and subcontractors (collectively the “agency”) to enter the undersigned’s property (“the property”) located at the vicinity of 1522 North Clark Avenue, Tampa FL 33607 as described in **Attachment A** attached to the BSRA for the brownfield site assigned the Brownfield Site Identification Number _____, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the EPC or the successful completion of the BSRA, which ever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the agency, their 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, video taping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the EPC 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 agency 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 agency, its 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 agency acknowledges and accepts its responsibility for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. The agency acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
8. In exercising its access privileges, the agency will take reasonable steps not to interfere with the Owner’s operations, or the Owner’s remediation and redevelopment activities pursuant to the BSRA.

Property Owner

Witness

Date

Date

Accepted by the EPC by the following authorized agent:

Signature of EPC representative

Witness

Date

Date

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # **BF290705001**

Attachment D

Certification of Redevelopment Agreement

Dan Fahey
Brownfields Coordinator
The City of Tampa
4010 West Spruce Street
Tampa, Florida 33607

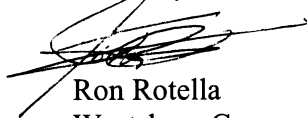
Dear Mr. Fahey:

As required by the State of Florida Brownfields Redevelopment Program, this letter serves to certify that the Westshore Community Development Corporation and the City of Tampa are in agreement regarding the future development of the property located in the vicinity of 1522 North Clark Avenue, Tampa FL 33607.

As noted in our Brownfields Application, site remedial activities will be completed to accommodate the redevelopment of the site as workforce housing. This housing is vital to the continued success of the Westshore area and this project will permit increased economic activity in an area with infrastructure already in place. As you know, the property has been rezoned by the City to a Planned Development to specifically allow this use (City Ordinance 2007-188 attached).

Thank you for your continued cooperation on this important Brownfields project. We will keep the City informed of our progress and if you have any questions, please contact me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Rotella", with a large, sweeping flourish extending to the right.

Ron Rotella
Westshore Community Development Corporation

2

ORDINANCE NO. 2007- 188

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF 1522 NORTH CLARK AVENUE, IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION(S) RS-50 (RESIDENTIAL SINGLE-FAMILY) TO PD (PLANNED DEVELOPMENT, DWELLING, SINGLE FAMILY ATTACHED); PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing as required by law was held in City Council Chambers, Third Floor, City Hall, 315 East Kennedy Boulevard, in the City of Tampa, Florida, relating to the rezoning of the real property described in Section 1 of this ordinance under the terms and provisions of Chapter 27, City of Tampa Code.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the Zoning District Classification upon the following described real property, situate, lying and being in the City of Tampa, County of Hillsborough and State of Florida, more particularly described as follows:

LEGAL DESCRIPTION: (Attached hereto and made a part hereof as Exhibit A),

which is presently zoned RS-50 (residential single-family) under City of Tampa Code Chapter 27, be changed to ZONING DISTRICT CLASSIFICATION PD (planned development, dwelling, single family attached), as provided for in Chapter 27, City of Tampa Code, and that the zoning map be amended to reflect said change on the above-described legal description and all information shown thereof shall be as much a part of this ordinance as if such information set forth on said zoning map of the City of Tampa was all fully described and set out herein.

Section 2. That said Zoning District Classification is hereby amended and to be controlled by the approved, certified site development plan, a copy of which is attached hereto and by reference made a part hereof as Exhibit B.

Section 3. That approval of this rezoning shall not release the Petitioner/Owner from meeting the requirements of the City of Tampa's Concurrency Management System Ordinance at the time of actual permitting and development of the rezoned site, if applicable.

Section 4. That the approval of said rezoning shall not release the Petitioner/Owner from meeting all other applicable sections of the City of Tampa Code, as such sections relate to the actual permitting and development of the rezoned site.

207-80

1 Section 5. That all ordinances in conflict herewith are repealed to the
2 extent of any conflict.

3
4 Section 6. That if any part of this ordinance shall be declared
5 unconstitutional or invalid by a court of competent jurisdiction, the remaining
6 provisions shall remain in full force and effect.

7
8 Section 7. That this ordinance shall take effect immediately upon
9 becoming a law.

10
11 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
12 OF TAMPA, FLORIDA ON ~~SEP 06 2007~~.

13
14
15 ATTEST:

16
17
18 
19 CHAIRMAN/CHAIRMAN PRO-TEM,
20 CITY COUNCIL

21
22 
23
24 CITY CLERK/DEPUTY CITY CLERK

25
26
27 APPROVED by me on SEP 07 2007

28
29
30 PREPARED BY AND APPROVED
31 AS TO LEGAL SUFFICIENCY:

32
33 
34
35 PAM IORIO, MAYOR

36
37 E/S
38 JULIA MANDELL COLE
39 SENIOR ASSISTANT CITY ATTORNEY

40 Z07-80
41
42
43
44
45
46
47
48
49
50

Petition to Rezone

City of Tampa
Land Development Coordination
306 East Jackson Street, 3E
Tampa, FL 33602
(813) 274-8405 or 8403
(813) 274-7706 fax



Legal Description (use separate sheet if needed) - MUST BE TYPED & DO NOT ABBREVIATE:

That part of following described property:

Commence at the Northwest corner of the Northeast 1 / 4 of the Southwest 1 / 4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1 / 4 of the Southwest 1 / 4 N90°00'00"E (assumed bearing per boundary survey), a distance of 331.33 feet; thence S00°18'45"W, a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N90°00'00"E along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1 / 4 of the Southwest 1 / 4, a distance of 457.24 feet to the Westerly right of way line of North Clark Avenue; thence along said right of way line S00°22'00"W, a distance of 571.01 feet; thence S89°58'30"W, a distance of 456.70 feet; thence N00°18'45"E, a distance of 571.21 feet to the POINT OF BEGINNING.

Being more particularly as follows:

Commence at the Northwest corner of the Northeast 1 / 4 of the Southwest 1 / 4 of Section 16, Township 29 South, Range 18 East, Hillsborough County, Florida; thence along the North boundary of said Northeast 1 / 4 of the Southwest 1 / 4 N90°00'00"E (assumed bearing per boundary survey), a distance of 331.33 feet; thence S00°18'45"W, a distance of 50.00 feet to the POINT OF BEGINNING and the Southerly right of way line of West Spruce Street; thence N90°00'00"E along said line 50.00 feet South of and parallel to said North boundary of the Northeast 1 / 4 of the Southwest 1 / 4, a distance of 50.00 feet; thence S00°18'45"W, a distance of 198.21 feet; thence S90°00'00"E, a distance of 328.59 feet; thence N00°22'00"E, a distance of 28.21 feet; thence S90°00'00"E, a distance of 50.00 feet; thence N00°22'00"E, a distance of 30.00 feet; thence S90°00'00"E, a distance of 28.46 feet to the Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S00°22'00"W, a distance of 119.07 feet; thence leaving said Westerly right of way line N89°38'00"W, a distance of 80.00 feet; thence S00°22'00"W, a distance 152.00 feet; thence S89°38'00"E, a distance of 80.00 feet to said Westerly right of way line of North Clark Avenue; thence along said Westerly right of way line S00°22'00"W, a distance of 20.00 feet; thence leaving said Westerly right of way line N89°38'00"W, a distance of 80.00 feet; thence S00°22'00"W, a distance of 140.50 feet; thence S89°58'30"W, a distance of 376.70 feet; thence N00°18'45"E, a distance of 571.21 feet to the POINT OF BEGINNING

Containing 3.7 Acres more or less.

City of Tampa
Right of Way & Mapping Section
LEGAL DESCRIPTION APPROVED

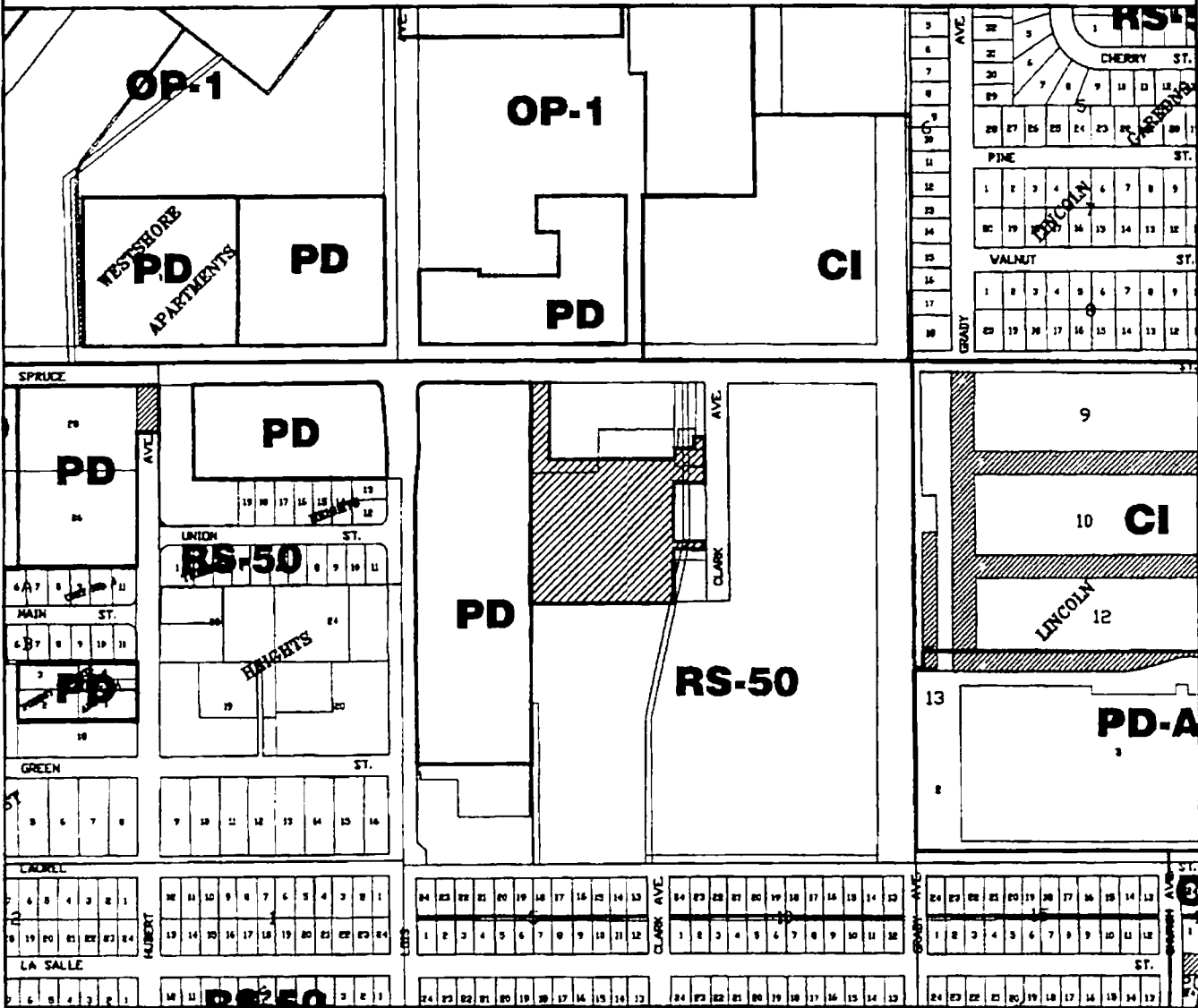
Date: 6-28-07 File No. 207-50

Atlas: H.9 By: [Signature]

EXHIBIT "A"

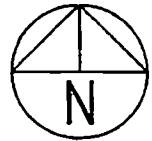
REZONING

GENERAL LOCATION: No Address



Sec. 16 -T 29 S-R 18 E
 Atlas Sheet: H-9
 Scale: 1" = 400
 FILE NO.: Z07-80

RIGHT OF WAY AND MAPPING
 LAND DEVELOPMENT COORDINATION
 GROWTH MANAGEMENT & DEVELOPMENT SERVICES
 CITY OF TAMPA, FLORIDA



- REZONING AREA

FROM: RS-50

TO: PD

- RS-50-RESIDENTIAL SINGLE FAMILY
- RS-60-RESIDENTIAL SINGLE FAMILY
- RS-75-RESIDENTIAL SINGLE FAMILY
- RS-100-RESIDENTIAL SINGLE FAMILY
- RS-150-RESIDENTIAL SINGLE FAMILY
- RM-12-RESIDENTIAL MULTI FAMILY
- RM-16-RESIDENTIAL MULTI FAMILY
- RM-18-RESIDENTIAL MULTI FAMILY
- RM-24-RESIDENTIAL MULTI FAMILY

- RM-35-RESIDENTIAL MULTI FAMILY
- RM-50-RESIDENTIAL MULTI FAMILY
- RM-75-RESIDENTIAL MULTI FAMILY
- RO-RESIDENTIAL OFFICE
- RO-1-RESIDENTIAL OFFICE
- OP-OFFICE PROFESSIONAL
- OP-1-OFFICE PROFESSIONAL
- CN-COMMERCIAL NEIGHBORHOOD
- CG-COMMERCIAL GENERAL

- CI-COMMERCIAL INTENSIVE
- IG-INDUSTRIAL GENERAL
- IH-INDUSTRIAL HEAVY
- PD-PLANNED DEVELOPMENT
- M-AP-AIRPORT COMPATIBILITY
- CBD-CENTRAL BUSINESS DISTRICT
- YC-YBOR CITY HISTORIC DISTRICT
- TQD-TAMPA QUALITY DEVELOPMENT
- CD-CHANNEL DISTRICT
- PP-PUBLIC PARK

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF290705001

Attachment E

Contractor Certification Form and Insurance Certificates

To Be Provided After Execution of BSRA

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # **BF290705001**

Attachment F

Quality Assurance Certificate



State of Florida
Department of Health, Bureau of Laboratories

This is to certify that

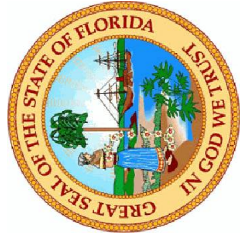
E87487
ENVIRONMENTAL SCIENCE CORPORATION - TN
12065 LEBANON RD.
MT. JULIET, TN 37122

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

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS; DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS; DRINKING WATER -
GROUP II UNREGULATED CONTAMINANTS; DRINKING WATER - OTHER REGULATED CONTAMINANTS; DRINKING WATER - PRIMARY INORGANIC
CONTAMINANTS; DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS; NON-POTABLE WATER - EXTRACTABLE ORGANICS;
NON-POTABLE WATER - GENERAL CHEMISTRY; NON-POTABLE WATER - METALS; NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S,
NON-POTABLE WATER - TOXICITY; 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 - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS; AIR AND EMISSIONS - VOLATILE
ORGANICS

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 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.

EFFECTIVE September 05, 2007 THROUGH June 30, 2008



A handwritten signature in black ink.

Max Salfinger, M.D.
Chief, Bureau of Laboratories
Florida Department of Health

DH Form 1697, 7/04
NON-TRANSFERABLE E87487-06-9/5/2007
Supersedes all previously issued certificates

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF290705001

Attachment G

Advisory Committee Members

Westshore Landings One
ADVISORY COMMITTEE MEMBERS

1) Applicant representative:

Mr. Ron Rotella,
Westshore Community Development Corporation
3109 W. Dr. Martin Luther King, Jr. Boulevard, Suite 140
Tampa, FL 33607
813-289-5488

2) Consultant/Engineering representative:

Nandra D. Weeks, P.E.
Geosyntec
14055 Riveredge Drive, Suite 300
Tampa, Florida 33637

3) Local representative in designated area:

Tim Perry
City of Tampa, Fleet Manager
1508 N. Clark Avenue
Tampa, Florida 33607

4) Legal Representative

Laurel Lockett, Esq.
Carlton Fields, PA
4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607

Westshore Community Development Corporation
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF290705001

Attachment H

Format for Submittal of Technical Documents

Format For Submittal Of Technical Documents

1. Two hard copies or one hard copy and an electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. In an effort to increase efficiency, responsiveness, and to enhance environmental protection, electronic records are an acceptable media substitute for hard copy and shall be pursued as the first option of choice to arrive at compliance. 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), Floppy Diskette, DLT tape cartridge, or File Transfer via an FTP site or dial-in connection. Additional format 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. The electronic copy shall be submitted on Compact Disc (CD) for archiving purposes.
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 shall be in ".dxf", TIFF, JPEG or ".pdf" format.
 - (c) Site surveys shall be in ".dxf" format.
 - (d) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (e) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
 - (f) The left inside cover of the media should list all the files located on the media.