

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, DESIGNATING A BROWNFIELD AREA IN POLK COUNTY, AND TRANSMITTING SUCH DESIGNATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PROPERTY LOCATED NORTH OF INTERSTATE 4, SOUTH OF STATE ROAD 33, WEST OF EPICENTER ROAD, AND ADJACENT TO THE CITY OF LAKE LAND, FLORIDA.

WHEREAS, Sections 376.77-376.85.2, Florida Statutes, “Brownfields Redevelopment Act” provides for the designation by Resolution areas of the county for the purpose of encouraging environmental remediation, rehabilitation, and economic development; and

WHEREAS, Section 376.79(5), Florida Statutes, defines a Brownfield Area as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government resolution; and

WHEREAS, Lakeland Logistics Park Owner, LLC (“Lakeland Logistics”) has initiated a request for a Brownfield Area designation on parcels 242711-000000-041020, 242711-000000-041040, 242711-000000-041050, 242711-000000-042020, and portions of 242711-000000-041010 and 242711-000000-041030 as depicted and described in Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, the Board has also considered the criteria set forth in Section 376.80(2)(c), and based on the representations of Lakeland Logistics, has determined that the proposed area qualifies for designation as a Brownfield Area because the following criteria have been satisfied:

1. Lakeland Logistics 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 that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. 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 or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with Polk County’s Comprehensive Plan and is a permissible use under the Polk County Land Development Code.
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 Lakeland

Logistics and has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation.

5. Lakeland Logistics has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site; and

WHEREAS, the person/persons responsible for brownfield site rehabilitation shall be the property owner or his/her designee. The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the Florida Department of Environmental Protection (“department”) or approved local pollution control program; and

WHEREAS, set forth in Section 376.80(2)(d), Florida Statutes, the person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site; and

WHEREAS, the notice and public hearing requirements set forth in Sections 125.66 and 376.80, Florida Statutes, have been followed. Notice was published in the Lakeland Ledger (local newspaper) on March 11, 2024; and three public hearings were held on April 16, 2024 and May 7, 2024 (one of which was a community meeting held at the Polk City Activity Center on March 19, 2024).

WHEREAS, the Board wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for rehabilitation for purposes of Florida Statutes Sections 376.77-376.86.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA THAT

1. The Board finds the preamble hereof to be true and correct.
2. The area depicted and described in Exhibit “A,” attached hereto and incorporated herein by reference, is hereby designated as a Brownfield Area for rehabilitation and economic development for purposes of Florida Statutes Sections 376.77-376.86.
3. Pursuant to Section 376.80(3), Florida Statutes, Lakeland Logistics shall be the entity responsible for the brownfield site rehabilitation as that term is defined in Section 376.79(15) if actual contamination exists on the brownfield site.
4. Such Brownfield Area designation shall not render the County liable for costs of site rehabilitation or source removal, as those terms are defined in Section 376.79(19)-(20), Florida Statutes, or for any other costs above and beyond those costs attributable to the County’s role in designating the property within Exhibit “A” as a Brownfield Area.

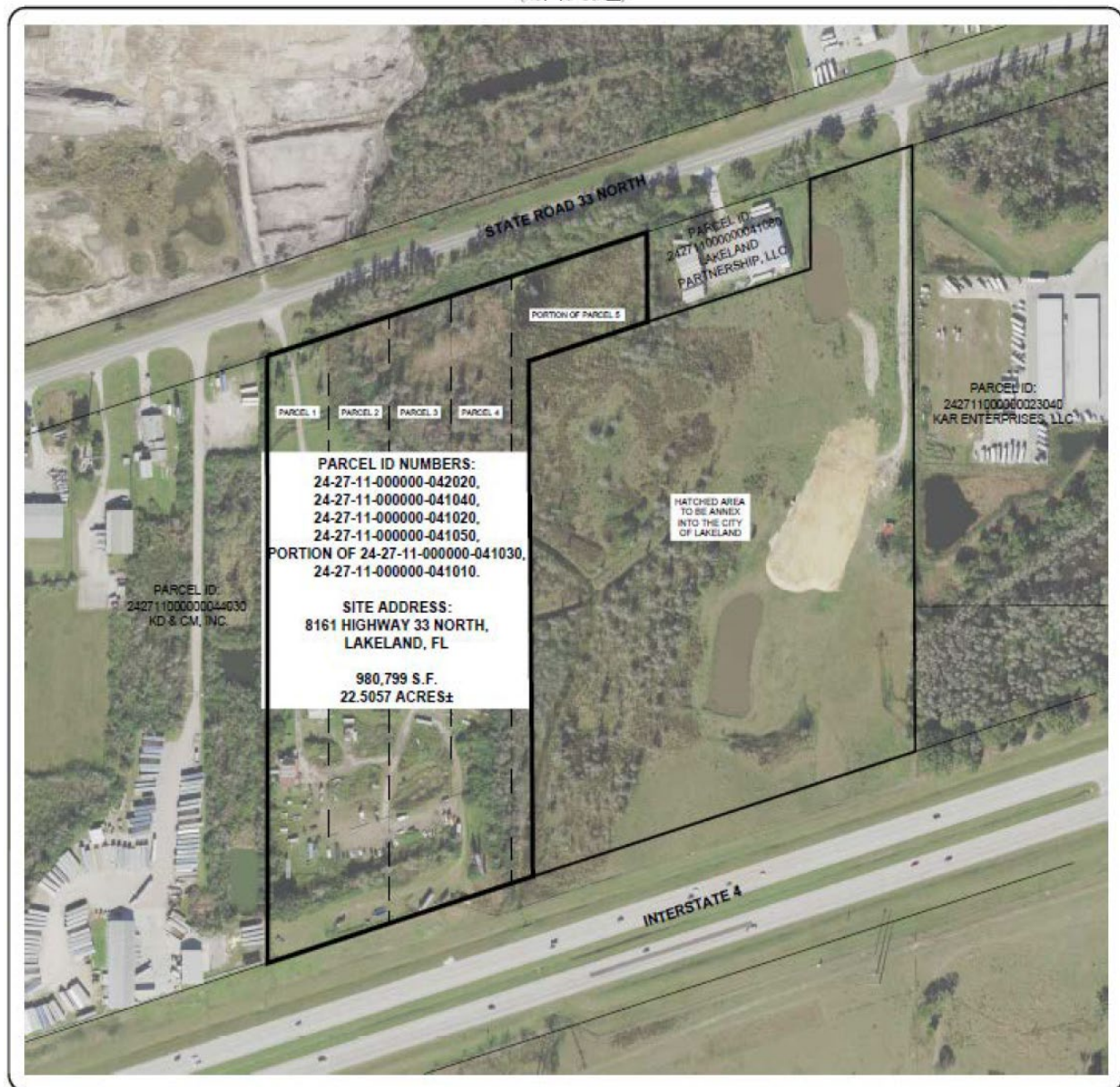
5. If any word, sentence, clause, phrase, or provision of this Resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Resolution shall not be affected thereby.
6. The Resolution shall become effective immediately upon adoption by the Board.
7. In accordance with Section 376.80(1), Florida Statutes, the Board hereby directs staff to notify the Florida Department of Environmental Protection of the Board's decision to designate this Brownfield Area.

ADOPTED by the Board this 7th day of May, 2024.

LDCU-2024-4
Brownfield Area Designation

Location: The subject site is located north of Interstate 4, south of State Road 33, west of Epicenter Road, and adjacent to the City of Lakeland, Florida, in Section 11, Township 27, and Range 24. To include parcels 242711-000000-041020, 242711-000000-041040, 242711-000000-041050, 242711-000000-042020, and portions of 242711-000000-041010 and 242711-000000-041030
in **Section-11 Township-27 Range-24**

OVERVIEW MAP
(NOT TO SCALE)



LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of POLK, State of Florida, and is described as follows:

A PORTION OF LAND LYING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

THE EAST 150 FEET OF THE WEST 1200 FEET AND THE SOUTH 300 FEET OF THE EAST 150 FEET THE WEST 1350 FEET OF THE SW 1/4 OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST; ALL LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF STATE ROAD 400 (I-4) AND SOUTH OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF STATE ROAD 33 IN POLK COUNTY, FLORIDA.

PARCEL 2:

THE EAST 150 FEET OF THE WEST 1350 FEET OF THE SW 1/4 OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST, LYING BETWEEN THE NORTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 4 AND THE SOUTH RIGHT-OF-WAY OF STATE ROAD 33, LESS THE SOUTH 300 FEET THEREOF IN POLK COUNTY, FLORIDA.

PARCEL 3:

THE EAST 150 FEET OF THE WEST 1500 FEET AND THE SOUTH 300 FEET OF THE EAST 150 FEET THE WEST 1650 FEET OF THE SW 1/4 OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST; ALL LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF INTERSTATE HIGHWAY 4 AND SOUTH OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF STATE ROAD 33 IN POLK COUNTY, FLORIDA.

PARCEL 4:

THE EAST 150 FEET OF THE WEST 1650 FEET OF THE SW 1/4 OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST, LESS THE SOUTH 300 FEET THEREOF; LYING BETWEEN THE NORTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 4 AND THE SOUTH RIGHT- OF-WAY OF STATE ROAD 33, IN POLK COUNTY, FLORIDA.

TOGETHER WITH A PORTION OF PARCEL 5 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 24 EAST; THENCE S00°19'10"W, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 1,054.54 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 33 PER MAP PROJECT 5022 RD(2) 33 POLK COUNTY, FLORIDA; THENCE N72°44'21"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,737.53 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE N72°54'28"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 348.47 FEET; THENCE S00°04'32"W, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 210.00 FEET; THENCE S72°48'30"W, A DISTANCE OF 300.70 FEET; THENCE S00°17'35"E, A DISTANCE OF 1,207.10 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE I-4 PER OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY MAP SECTION 16320-2436; THENCE S72°48'43"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 54.37 FEET; THENCE N00°21'15"E, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,419.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 980,799 SQUARE FEET OR 22.5057 ACRES, MORE OR LESS.