

1 Introduced by the Council President at the request of the Mayor:  
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4 **RESOLUTION 2024-701**

5 A RESOLUTION DESIGNATING 7407 and 7447 SALISBURY  
6 ROAD (R.E. 152577-0020, 152577-0010, 152577-0050,  
7 152578-0010, 152578-0000), JACKSONVILLE, FLORIDA,  
8 IN COUNCIL DISTRICT 11, AS A BROWNFIELD AREA FOR  
9 ENVIRONMENTAL REHABILITATION AND ECONOMIC  
10 DEVELOPMENT; PROVIDING FOR NOTIFICATION OF A  
11 BROWNFIELD SITE REHABILITATION AGREEMENT;  
12 PROVIDING AN EFFECTIVE DATE.  
13

14 **WHEREAS**, Butler Creek Owner, LLC ("Butler Creek") owns land  
15 located at 7407 Salisbury Road (R.E. 152577-0020, 152577-0010, and  
16 152577-0050) and has the option to purchase and lease land located  
17 at 7447 Salisbury Road (R.E. 152578-0010 and 152578-0000) currently  
18 owned by Orion Investments Enterprise, LLC, Jacksonville, Florida,  
19 in Council District 11, a map is attached as **Exhibit 1** (the  
20 "Property"); and

21 **WHEREAS**, Orion Investments Enterprise, LLC has authorized  
22 Butler Creek to apply for Brownfield Area designation of the portion  
23 of the property that it owns; and

24 **WHEREAS**, the Property was previously used as a private solid  
25 waste disposal facility and is impacted by solid waste and debris;  
26 and

27 **WHEREAS**, Bulter Creek plans to conduct further assessment and  
28 remediation activities on the Property to achieve regulatory site  
29 closure from the Florida Department of Environmental Protection (the  
30 "FDEP"); and

31 **WHEREAS**, Butler Creek is requesting that City Council adopt a

1 resolution designating the Property a Brownfield Area as authorized  
2 under the Florida Brownfields Redevelopment Act, Sections 376.77 -  
3 376.85, *Florida Statutes*; and

4 **WHEREAS**, following enactment of a resolution approving the  
5 Brownfield Area designation, Butler Creek will negotiate a Brownfield  
6 Site Rehabilitation Agreement (the "Agreement") with the FDEP; and

7 **WHEREAS**, Butler Creek is pursuing the Brownfield designation  
8 and the Agreement to benefit from the State of Florida's Voluntary  
9 Cleanup Tax Credit program and cleanup liability protection from the  
10 State; and

11 **WHEREAS**, it is the recommendation of the Planning and  
12 Development Department's Community Planning Division and the  
13 Brownfield Redevelopment Program that, having met the criteria  
14 required for Brownfield Area designation, the Brownfield designation  
15 requested by Butler Creek be approved, a copy of the Staff Report is  
16 attached as **Exhibit 2**; and

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

20 **BE IT RESOLVED** by the Council of the City of Jacksonville:

21 **Section 1. Findings.** The Council, acting as the governing  
22 body of Duval County, finds the preamble hereof to be true and  
23 correct.

24 **Section 2. Designation.** For the purposes of the Florida  
25 Brownfields Redevelopment Act, Sections 376.77 - 376.85, *Florida*  
26 *Statutes*, the Property is hereby designated a Brownfield Area. For  
27 the purposes of Jacksonville's Brownfield Program, this area shall  
28 be called the "Butler Creek Green Reuse Area". This designation shall  
29 not, however, render the City of Jacksonville liable: for the cost  
30 of site rehabilitation or source removal, as those terms are defined  
31 in Sections 376.79(17) and (18), *Florida Statutes*; for other costs

1 in excess of those attributable to the City as administrator of a  
2 Brownfield Program; or as a property owner, if the City hereafter  
3 acquires any realty within the designated Brownfield Area.

4 **Section 3. Notification of Rehabilitation Agreement.**

5 Butler Creek will negotiate a Brownfield Site Rehabilitation  
6 Agreement with the FDEP and notify the City Brownfield Coordinator  
7 when such an agreement has been reached.

8 **Section 4. Effective Date.** This resolution shall become

9 effective upon signature by the Mayor or upon becoming effective  
10 without the Mayor's signature.

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12 Form Approved:

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14           /s/ Terrence L. Harvey          

15 Office of General Counsel

16 Legislation Prepared By: Terrence L. Harvey

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