

ORDINANCE NO. 86-89

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, PROVIDING FOR THE ACQUISITION, CONSTRUCTION, ERECTION, IMPROVING, FURNISHING, EQUIPPING AND INSTALLING OF CAPITAL PROJECTS WITHIN AND BY THE COUNTY; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE COUNTY TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM REVENUES DERIVED FROM THE OPERATION OF SUCH PROJECTS AND/OR ANY OR ALL FUNDS OF THE COUNTY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION AND LEGALLY AVAILABLE FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Article VIII, Section 1, of the Constitution of the State of Florida and Chapter 125, Florida Statutes, as amended, the Board of County Commissioners of St. Johns County, Florida, has all powers of local self-government to perform County functions and to render services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of County ordinances; and

WHEREAS, it is necessary from time to time for the public health, safety, economy and/or general welfare of the County and its citizens that provision be made for the acquisition, construction, erection, improving, furnishing, equipping and/or installing of capital projects within and by the County which serve a County purpose and for financing the costs of such projects;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:**

**SECTION 1. Definitions.** As used in this ordinance, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Board" shall mean the Board of County Commissioners of the County.

"Bonds" shall mean the obligations issued by the County under the provisions of this ordinance, as supplemented by the provisions of any other County ordinance or general or special law, to pay all or a portion of the Cost of a Project or combination of one or more Projects and payable from the revenues derived from the operation of a Project and/or any or all funds of the County derived from sources other than ad valorem taxation and legally available for such purpose.

"Cost" shall mean the cost or costs of acquiring, constructing, erecting, improving, furnishing, equipping and installing Projects and shall include, without limiting the generality of the foregoing, the cost of all labor and materials, the cost of all lands,

property, rights, easements and franchises which shall be deemed necessary for a Project, financing charges, interest prior to and during construction and for one year after the completion of construction, engineering, architectural and legal expenses, costs of plans, specifications, surveys, estimates of costs and of revenues, discount upon the sale of bonds, if any, municipal bond insurance, if any, other expenses necessary or incidental to determining the feasibility or practicability of the Project and the financing thereof, administrative expenses related solely to a Project and such other expenses as may be necessary or desirable and incident to such acquisition, construction, erection, improving, furnishing, equipping and installing of a Project, the placing of a Project in operation and the financing thereof as herein authorized.

"County" shall mean St. Johns County, Florida.

"Project" shall mean any capital project which shall serve a County purpose and which the County shall have expressed or implied authority to undertake pursuant to any other County ordinance or general or special law, including, without limiting the generality of the foregoing, waterworks systems, sewer systems and combined waterworks and sewer systems; natural gas distribution systems; roads, bridges, causeways and tunnels; incinerators and other solid waste disposal facilities; airport, harbor and port facilities; auditoriums, sports arenas, fairgrounds, parks, preserves, golf courses, marinas and other recreational facilities; administration buildings, agricultural centers, libraries, museums, hospitals, nursing homes, court houses and other public buildings; transportation, commuting and other public safety and convenience facilities; and jails.

**SECTION 2. Powers of County.** The County shall have the power to, and all powers necessary and incidental to, accomplish the purpose of this ordinance, including, without limiting the generality of the foregoing, the power to acquire, construct, erect, improve, furnish, equip, operate and maintain Projects and issue Bonds to finance the Cost thereof.

**SECTION 3. Purchase of Project.** The Board is hereby authorized to acquire by purchase, whenever it shall be deemed expedient, any Project, wholly or partly constructed, and any franchise, easements, permits and contracts for the construction of any Project, upon such terms and at such prices as may be reasonable and can be agreed upon between the Board and the owner thereof, title to be taken in the name of the County, and issue Bonds to pay the Cost of the acquisition of such Project.

**SECTION 4. Bonds.** The Board shall have the power and it is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of

Bonds for the purpose of paying all or a part of the Cost of any Project or combination of Projects. The principal of, premium if any, and interest on such Bonds shall be payable solely from, and secured by a pledge of, revenues to be derived from the the operation of Projects and/or any or all funds of the County derived from sources other than ad valorem taxation and legally available for such purpose. The Bonds of each issue shall be dated, shall bear interest at such rate or rates, whether fixed or variable, shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by resolution of the Board, and may be made redeemable before maturity, whether such redemption is mandatory upon certain events or at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the Bonds. The Board shall determine the form of the Bonds and the interest coupons to be attached thereto, if any, and the manner of executing the Bonds and coupons, if any, and shall fix the denomination or denominations of the Bonds and the place or places of payment of the principal thereof and the interest thereon, which may be at any bank or trust company within or without the State of Florida. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or coupons shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All Bonds shall have and are hereby declared to be and to have all the qualities and incidents of negotiable instruments under the laws of Florida. Provision may be made for the registration of any of the Bonds in the name of the owner thereof as to principal alone or as to both principal and interest, and for the reconversion of any Bonds registered as to both principal and interest into coupon Bonds. The Board may sell Bonds in such manner, at such interest rate or rates, without limitation except as may be imposed by applicable law, and for such price as it may determine to be in the best interests of the County. Prior to the preparation of definitive Bonds, the Board may, under like restrictions, issue interim receipts, interim certificates, or temporary Bonds, with or without coupons, exchangeable for definitive Bonds when such Bonds have been executed and are available for delivery. The Board may also provide for the replacement of any Bonds which shall become mutilated, or be destroyed or be lost. Such Bonds may be issued without any other proceedings, or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this ordinance or by other applicable law.

In the event that the County heretofore acquired or constructed a Project and, to pay the Cost of such acquisition or construction thereof, shall have issued Bonds payable from the funds provided for herein, and in the further event that the County shall desire to construct additions, extensions, improvements or betterments to such Project or to acquire by purchase or to construct an additional Project and to combine such additional Project with the Project theretofore purchased or constructed, and to refund such outstanding Bonds, the County may provide for the issuance of a single issue of Bonds under the provisions of this ordinance for the combined purposes of refunding such Bonds then outstanding if they have matured or shall then be subject to redemption or will be subject to redemption, or can be acquired for retirement, and of constructing such additions, extensions, improvements or betterments or of acquiring by purchase or of constructing such additional Project, and the principal of and interest on such Bonds shall be payable from the funds pledged therefor and provided herein.

**SECTION 5. Remedies of Bondholders.** Any holder of Bonds or of any of the coupons attached thereto, if any, except to the extent the rights granted may be restricted by resolution of the Board adopted before the issuance of the Bonds, may by suit, action, mandamus or other proceedings, protect and enforce any and all rights granted under the resolution of the Board adopted before issuance of the Bonds and may enforce and compel the performance of all duties required by such resolution to be performed by the County or the Board.

**SECTION 6. Severability of Invalid Provisions.** If any one or more of the covenants, agreements or provisions of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Ordinance.

**SECTION 7. Effective Date.** A copy of this ordinance, certified by the Clerk of the Board shall be filed in the office of the Department of State by said Clerk within ten (10) days after enactment and this ordinance shall take effect upon receipt of official acknowledgement from that office that this ordinance has been filed.

DULY ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST.  
JOHNS COUNTY, FLORIDA, this 9th day of December, 1986.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

Attest:

Carl Bud' Mankel  
Clerk

By: Phyllis L. Lydon  
Chairman

Adopted regular meeting 12/09/86

Effective: December 15, 1986

**The St. Augustine Record**  
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared \_\_\_\_\_  
Paula Freeman who on oath says that he is  
Classified Advertising Manager of the St. Augustine Record, a  
 daily newspaper published at St. Augustine in St. Johns County, Florida;  
 that the attached copy of advertisement, being a \_\_\_\_\_  
Notice of Hearing  
 \_\_\_\_\_ in the matter of \_\_\_\_\_  
Amendment on Ordinance #82  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
November 15, 1986

Affiant further says that the St. Augustine Record is a newspaper  
 published at St. Augustine, in said St. Johns County, Florida, and that the  
 said newspaper has heretofore been continuously published in said St.  
 Johns County, Florida, each day, except Sundays, and has been entered  
 as second class mail matter at the post office in the City of St. Augustine,  
 in said St. Johns County, Florida, for a period of one year next preceding  
 the first publication of the attached copy of advertisement; and affiant  
 further says that he has neither paid nor promised any person, firm or  
 corporation any discount, rebate, commission or refund for the purpose  
 of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
 this 3rd day of December  
 A.D. 19 86  
Jean Ann Johns  
 (SEAL) Notary Public

Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Bonded Thru Troy Fain - Insurance, Inc.

**COPY OF ADVERTISEMENT**

Johns, State of Florida, provid-  
 ing for the acquisition, construc-  
 tion, erection, improving, fur-  
 nishing, equipping and installing  
 of capital projects within and by  
 the County; providing for the is-  
 suance of revenue bonds by the  
 County to finance the cost  
 thereof; providing for the pay-  
 ment of such bonds from reve-  
 nues derived from the opera-  
 tion of such projects and/or any  
 or all funds of the County de-  
 rived from sources other than ad-  
 valorem taxation and legally  
 available for such purpose; and  
 providing an effective date.  
 The proposed Ordinance is on  
 file in the office of the Clerk of  
 the Circuit Court, St. Johns  
 County, Florida, St. Johns Coun-  
 ty Administration Building,  
 Lewis Speedway, and may be  
 examined by parties interested  
 prior to said public hearing.  
 All parties having any interest in  
 said Ordinance will be afforded  
 an opportunity to be heard at the  
 public hearing.  
 If a person decides to appeal any  
 decision made by the Board of  
 County Commissioners with re-  
 spect to any matter considered  
 at the meeting or hearing, he  
 will need a record of the pro-  
 ceedings, and for such purpose  
 he may need to ensure that a  
 verbatim record of the proceed-  
 ings is made, which record in-  
 cludes the testimony and evi-  
 dence upon which the appeal is  
 to be based.  
 BOARD OF COUNTY  
 COMMISSIONERS OF ST.  
 JOHNS COUNTY, FLORIDA  
 Carl "Bud" Markel,  
 Its Clerk  
 By: Cheryl Kent  
 Deputy Clerk  
 L533 Nov. 15, 1986

IN THE CIRCUIT COURT  
 OF ST. JOHNS COUNTY,  
 FLORIDA  
 CIVIL ACTION NO. 86-1179-CA  
 DIVISION A  
 IN RE: THE ADOPTION OF  
 CRISTINA MARIA MARDINAS  
 a minor.  
 NOTICE OF ACTION  
 TO: Luzaro Lisuon  
 (residence unknown)  
 YOU ARE NOTIFIED that  
 an action to adopt your son has  
 been filed against you, and you  
 are required to serve a copy of  
 your written defenses, if any, to  
 it on UPCHURCH BAILEY AND  
 UPCHURCH, P.A., H. Davis Up-  
 church Jr., Petitioner's attor-  
 ney's whose address is 501 Atlan-  
 tic Bank Building, P.O. Box 170,  
 St. Augustine, Florida 32085, on  
 or before NOVEMBER 29, 1986,  
 and file the original with the  
 Clerk of this Court either before  
 service on Petitioner's attorneys  
 or immediately thereafter; oth-  
 erwise a default will be entered  
 against you for the relief de-  
 manded in the Petition.  
 DATED on this 15th day of Oc-  
 tober, 1986.  
 (Court Seal)  
 CARL "BUD" MARKEL  
 As Clerk of the Court  
 By Linda G. Gribble  
 As Deputy Clerk  
 L457 Nov. 1, 6, 15, 22, 1986

NOTICE IS HEREBY GIVEN  
 THAT THE BOARD OF COUN-  
 TY COMMISSIONERS OF ST.  
 JOHNS COUNTY, FLORIDA,  
 AT ITS REGULAR MEETING  
 ON DECEMBER 9, 1986 AT  
 10:00 O'CLOCK A.M., IN THE  
 COUNTY AUDITORIUM,  
 COUNTY ADMINISTRATION  
 BUILDING, LEWIS SPEED-  
 WAY (COUNTY ROAD 16-A)  
 AND U.S. #1 NORTH, ST. AU-  
 GUSTINE, FLORIDA, WILL  
 HOLD A PUBLIC HEARING TO  
 CONSIDER THE PASSAGE OF  
 THE FOLLOWING ORDI-  
 NANCE:  
 An ordinance of the County of St.



FLORIDA DEPARTMENT OF STATE COUNTY, FLORIDA

George Firestone  
Secretary of State

RECEIVED

'86 DEC 15 A10:04

December 11, 1986

*Carl Bud Markel*  
CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel  
Clerk of Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32084

Attention: Tami J. Tedder, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 10, 1986  
and certified copy/ies of St. Johns  
County Ordinance(s) 86-89 through 86-92
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_
3. We have filed ~~THIS~~/these ordinances in this office  
on December 11, 1986.
4. The original/duplicate copy/ies showing the filing date  
is/are being returned for your records.

Cordially,

*Liz Cloud*  
(Mrs.) Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

**FLORIDA-State of the Arts**