

ORDINANCE NO. 2002-45

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT ALLOWS ROAD IMPACT FEES TO BE USED TO PAY LAWSUIT SETTLEMENTS THAT RESULT FROM LITIGATION OVER ROAD IMPACT FEES AND/OR ROAD IMPACT FEE CREDITS; IT ALLOWS THE COUNTY TO RETAIN ROAD IMPACT FEES FOR LONGER THAN SIX YEARS WHEN ALLOWED OR REQUIRED BY A LITIGATION SETTLEMENT AGREEMENT OR COURT JUDGEMENT AND TO SPEND OR DISBURSE THOSE FEES IN THE MANNER SET FORTH IN THE SETTLEMENT AGREEMENT OR JUDGEMENT; AND IT PROVIDES AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA:

Section 1. St. Johns County Ordinance number 87-57, as previously amended, is hereby amended by deleting subparagraph J from Section Eleven thereof (Use of Funds) and by adding and substituting the following subparagraph J in its stead.

J. Road impact fees may be used to pay court costs, legal fees, and associated litigation related costs and expenses, including payment of lawsuit settlements and judgments, if any, incurred in or resulting from the administration, enforcement and/or defense of Ordinance 87-57, as amended. As used in this subsection, the meaning of the word "administration" includes, but is not limited to, the calculation, levy, imposition, collection, transfer, provision and/or use of road impact fees and/or road impact fee credits.

Section 2. St. Johns County Ordinance number 87-57, as previously amended, is hereby amended by adding the following subparagraph C to Section Twelve thereof (Refund of Fees Paid):

C. Subsection B of Section Twelve notwithstanding, road impact fees may be retained by the County for more than six (6) years without any requirement that they be refunded when such longer retention is allowed or required by a litigation settlement agreement or by a court judgment and the retained road impact fees are then disbursed or expended in the manner set forth in the settlement agreement or court judgment.

Section 3. This Ordinance shall take effect upon the date that a certified copy is filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 3rd day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

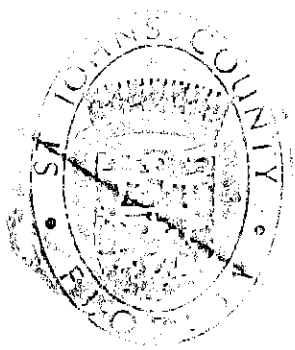
By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: Patricia De Grande
Deputy Clerk

RENDITION DATE 9-6-02

Effective date: September 11, 2002



NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, September 3, 2002 at 9:00 a.m. in the County Auditorium of the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT ALLOWS ROAD IMPACT FEES TO BE USED TO PAY LAWSUIT SETTLEMENTS THAT RESULT FROM LITIGATION OVER ROAD IMPACT FEES AND/OR ROAD IMPACT FEE CREDITS; IT ALLOWS THE COUNTY TO RETAIN ROAD IMPACT FEES FOR LONGER THAN SIX YEARS WHEN ALLOWED OR REQUIRED BY A LITIGATION SETTLEMENT AGREEMENT OR COURT JUDGEMENT AND TO SPEND OR DISBURSE THOSE FEES IN THE MANNER SET FORTH IN THE SETTLEMENT AGREEMENT OR JUDGEMENT; AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND,
ITS CLERK
By: Patricia DeGrande,
Deputy Clerk
L1794-2 Aug 19, 2002

COPY OF AD

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

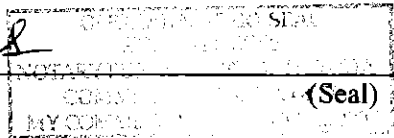
Before the undersigned authority personally appeared **Linda Y. Murray**
who on oath says that she is Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a Notice of Public Hearing
in the matter of Amending Ordinance 87-57
in the Court was published in said newspaper in the issues of
August 2&19, 2002

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

Sworn to and subscribed before me this 19th day of August, 2002

by Linda Y. Murray who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss

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DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET

State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

September 11, 2002

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 10, 2002 and certified copy of Ordinance No. 2002-45, which was filed in this office on September 11, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED
02 SEP 13 AM 10: 27
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

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