

ORDINANCE NO. 2002- 64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO REDEVELOPMENT AND AMENDING ST. JOHNS COUNTY ORDINANCE 2001-70 PERTAINING TO THE WEST AUGUSTINE REDEVELOPMENT TRUST FUND; THIS AMENDMENT CREATES THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TRUST FUND TO CONTAIN SEPARATE ACCOUNTS FOR EACH REDEVELOPMENT AREA, THAT IS, TO INCORPORATE THE CURRENTLY EXISTING WEST AUGUSTINE COMMUNITY REDEVELOPMENT TRUST FUND AS A SEPARATE ACCOUNT WITHIN THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT TRUST FUND, AND TO CREATE SEPARATE ACCOUNTS FOR THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA, AND THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA, AND TO CREATE SEPARATE ACCOUNTS FOR ANY FURTHER REDEVELOPMENT AREAS WHICH MAY BE ESTABLISHED IN THE FUTURE; SAID TRUST FUND TO FINANCE THE REDEVELOPMENT PLANS FOR THE REDEVELOPMENT AREAS; PROVIDING FOR APPROPRIATION OF TAX INCREMENT REVENUES AND EXPENDITURES OF MONIES IN THE TRUST FUND; DELEGATING AUTHORITY TO THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO ADMINISTER THE TRUST FUND; REQUIRING ANNUAL INDEPENDENT FINANCIAL AUDITS OF THE TRUST FUND; AND PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the powers granted by Chapter 163, Part III, Florida Statutes, as amended, and Resolution No. 2000-146 adopted by the Board of County Commissioners of St. Johns County (the "Board") which established the West Augustine Redevelopment Area, created the West Augustine Community Redevelopment Agency, and pursuant to section 163.357, Florida Statutes, declared the Board to be the governing board of the West Augustine Community Redevelopment Agency; and pursuant to Resolution No. 2001-226 adopted by the Board which approved the West Augustine Redevelopment Plan; and Resolution No. 2002-184 adopted by the Board which established the Vilano Beach Community Redevelopment Area; and Resolution No. 2002-185 approved by the Board which established the Flagler Estates Community Redevelopment Area; and

WHEREAS, on December 4, 2001, the Board of County Commissioners of St. Johns County, Florida enacted Ordinance 2001-70 creating the West Augustine Redevelopment Trust Fund and delegating authority to the board of the West Augustine Community Redevelopment Agency to administer the trust fund and to implement the West Augustine Community Redevelopment Plan; and

WHEREAS, Ordinance 2001-70 also provided for annual funding and annual

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audits of the West Augustine Redevelopment Trust Fund; and

WHEREAS, in Resolution 2002-208, the Board of County Commissioners of St. Johns County renamed the West Augustine Community Redevelopment Agency to the St. Johns County Community Redevelopment Agency, and pursuant to section 163.357, Florida Statutes, declared itself to be the Board of the newly named St. Johns County Community Redevelopment Agency, incorporated the boundaries of West Augustine Community Redevelopment Area into St. Johns County Community Redevelopment Agency, included the boundaries of the Vilano Beach and Flagler Estates Community Redevelopment Areas into St. Johns County Community Redevelopment Agency, and approved Community Redevelopment Plans for the Vilano Beach and Flagler Estates Community Redevelopment Areas; and

WHEREAS, pursuant to section 163.387, Florida Statutes (2002), the Board desires to create the St. Johns County Community Redevelopment Agency Trust Fund containing separate accounts for the West Augustine Community Redevelopment Area, the Vilano Beach Community Redevelopment Area, and the Flagler Estates Community Redevelopment Area, and which shall contain separate accounts for each additional community redevelopment area and plan which may be established in the future; and

WHEREAS, the provisions of St. Johns County Ordinance 2001-70 pertaining to West Augustine Community Redevelopment Trust Fund and its administration shall remain and be adopted and incorporated herein; and

WHEREAS, this ordinance amends St. Johns County Ordinance 2001-70 as stated herein; and

WHEREAS, in accordance with section 163.346, Florida Statutes, proper and timely notice has been given to the public and to each applicable taxing authority notifying them of this proposed Ordinance and of public hearings for its adoption and said public hearings were held pursuant to the published notices described .

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

SECTION 1. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 1 thereof and by adding and substituting the following Section 1 thereto:

A. The above 'Whereas' clauses and the 'Whereas' clauses in St. Johns County Ordinance number 2001-70 are hereby accepted as findings of fact and incorporated by reference herein.

B. The St. Johns County Community Redevelopment Agency Trust Fund is hereby created pursuant to section 163.387, Florida Statutes (2002).

C. Within the St. Johns County Community Redevelopment Agency Trust Fund, separate accounts are hereby established which shall be separately administered and accounted for. Those accounts are as follows: The West Augustine Community Redevelopment Trust Fund that was created by St. Johns County Ordinance number 2001-70 shall continue to exist but is hereby incorporated into the St. Johns County Community Redevelopment Agency Trust Fund and converted into a separate account to be known as the West Augustine Community Redevelopment Area Account; additional separate accounts are hereby established in the St. Johns County Community Redevelopment Agency Trust Fund for each of the Vilano Beach and Flagler Estates Community Redevelopment Areas and plans to be known as the Vilano Beach Community Redevelopment Area Account and the Flagler Estates Community Redevelopment Area Account respectively. In the event additional community redevelopment areas and plans are established in the future within St. Johns County by its Board of County Commissioners, the Board directs that separate accounts shall be established within the St. Johns County Community Redevelopment Agency Trust Fund as soon as is reasonably possible for each such community redevelopment area and plan.

SECTION 2. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 2 thereof and by adding and substituting the following Section 2 thereto:

Section 2.

(A.) The funds allocated to, and deposited into, the West Augustine Community Redevelopment Area Account are appropriated to the St. Johns County Community Redevelopment Agency (CRA) for the purposes authorized by section 163.387(6), Florida Statutes, as amended from time to time. However, the CRA shall utilize the funds and the income earned by the funds in this account only when such purposes are directly related to financing or refinancing the implementation of the West Augustine Community Redevelopment Plan.

(B.) The funds allocated to, and deposited into, the Vilano Beach Community Redevelopment Area Account are appropriated to the St. Johns County Community Redevelopment Agency (CRA) for the purposes authorized by section 163.387(6), Florida Statutes, as amended from time to time. However, the CRA shall utilize the funds and income earned by the funds in this account only when such purposes are directly related to financing or refinancing the implementation of the Vilano Beach Community Redevelopment Plan.

(C.) The funds allocated to, and deposited into, the Flagler Estates Community Redevelopment Area Account are appropriated to the St. Johns County Community Redevelopment Agency (CRA) for the purposes authorized by section 163.387(6), Florida Statutes, as amended from time to time. However, the CRA shall utilize the funds and income earned by the funds in this account only when such purposes are directly related to financing and refinancing the implementation of the Flagler Estates Community Redevelopment Plan.

(D.) Any funds which may be allocated to, and deposited into, any community redevelopment area account which may be established in the future for any

community redevelopment area and plan which may be established in the future, shall be appropriated to the St. Johns County Community Redevelopment Agency (CRA) for the purposes authorized by section 163.387(6), Florida Statutes, as amended from time to time. However, the CRA shall utilize such funds and income earned by such funds in each such community redevelopment area account only when such purposes are directly related to financing and refinancing the implementation of the particular community redevelopment plan for the particular community redevelopment area for which such account applies.

SECTION 3. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 3 thereof and by adding and substituting the following Section 3 thereto:

Section 3: The annual funding of each account in the St. Johns County Community Redevelopment Agency Trust Fund shall be in an amount not less than the increment in the income, proceeds, revenues, and funds of each taxing authority derived from, or held in connection with, the undertaking and carrying out of community redevelopment under Part III of Chapter 163, Florida Statutes, for the area, and in accordance with the plan associated with that account. The increment for each account shall be determined annually in accordance with section 163.387, Florida Statutes, as amended from time to time.

SECTION 4. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 4 thereof and by adding and substituting the following Section 4 thereto:

Section 4: The obligation to annually fund each individual account in the St. Johns County Community Redevelopment Agency Trust Fund shall continue for the duration of the community redevelopment plan associated with that account and until all loans, advances, and indebtedness, if any, and interest thereon, of the CRA incurred as the result of implementing and administering the community redevelopment plan associated with that account have been paid, but only to the extent that the increment described in Section 3 of this ordinance accrues to such account.

SECTION 5. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 5 thereof and by adding and substituting the following Section 5 thereto:

Section 5. In accordance with the provisions of section 163.387(6), Florida Statutes as amended from time to time, moneys in each account of the St. Johns County Community Redevelopment Agency Trust Fund may be expended from time to time as specified in Section 2 of this ordinance.

SECTION 6. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 6 thereof and by adding and substituting the following Section 6 thereto:

Section 6. In accordance with section 163.387(8), Florida Statutes, there shall be an independent financial audit of each account in the St. Johns County

Community Redevelopment Agency Trust Fund each fiscal year and a report of the audit. The audit report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, each individual account in the trust fund during such fiscal year and the amount of principal and interest paid from such account during such year on any indebtedness to which is pledged increment revenues and the remaining amount of indebtedness that is associated with such account. The audit report shall also describe or provide any other information and conclusions that may be required by section 163.387(8), Florida Statutes, as amended from time to time. The St. Johns County Community Redevelopment Agency shall provide a copy of each audit report to the State Auditor General's Office and each taxing authority as required by statute.

SECTION 7. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 7 thereof and by adding and substituting the following Section 7 thereto:

Section 7. In the event that the Board of County Commissioners of St. Johns County ceases to act as the Board for the St. Johns County Community Redevelopment Agency, and the Clerk of the Court's statutory duties in relation to the maintenance of books and financial records for the agency also ceases, the successor board of the St. Johns County Community Redevelopment Agency at that time shall promulgate rules for the establishment and maintenance of books and financial records, and the audits thereof, of the St. Johns County Community Redevelopment Agency Trust Fund and of each community redevelopment area account within said trust fund, in accordance with applicable Florida law.

SECTION 8. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 8 thereof and by adding and substituting the following Section 8 thereto:

Section 8. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. St. Johns County Ordinance number 2001-70 is hereby amended by deleting Section 9 thereof and by adding and substituting the following Section 9 thereto:

Section 9. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

SECTION 10. This ordinance shall take effect upon a certified copy thereof being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns

County, Florida this 22 day of October, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James D. Bryant
James Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

RENDITION DATE 10/23/02

By: Luanne King
Deputy Clerk

Effective Date: October 30, 2002



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 an 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 **TRUST FUND**

WEST AUGUSTINE COMMUNITY REDEVELOPMENT

in the Court, was published in said newspaper in the issues of

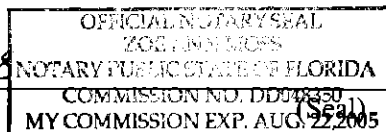
OCTOBER 3, 2002

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 3RD day of **OCTOBER** 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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COPY

NOTICE OF PUBLIC HEARINGS 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 public hearings on Tuesday, October 15, 2002 at 1:30 p.m. and Tuesday, October 22, 2002 at 1:30 p.m. in the County Auditorium at 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 THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO REDEVELOPMENT AND AMENDING ST. JOHNS COUNTY ORDINANCE 2001-70 PERTAINING TO THE WEST AUGUSTINE REDEVELOPMENT TRUST FUND; THIS AMENDMENT CREATES THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TRUST FUND TO CONTAIN SEPARATE ACCOUNTS FOR EACH REDEVELOPMENT AREA, THAT IS, TO INCORPORATE THE CURRENTLY EXISTING WEST AUGUSTINE COMMUNITY REDEVELOPMENT TRUST FUND AS A SEPARATE ACCOUNT WITHIN THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT TRUST FUND, AND TO CREATE SEPARATE ACCOUNTS FOR THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA, AND THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA, AND TO CREATE SEPARATE ACCOUNTS FOR ANY FURTHER REDEVELOPMENT AREAS WHICH MAY BE ESTABLISHED IN THE FUTURE; SAID TRUST FUND TO FINANCE THE REDEVELOPMENT PLANS FOR THE REDEVELOPMENT AREAS; PROVIDING FOR APPROPRIATION OF TAX INCREMENT REVENUES AND EXPENDITURES OF MONIES IN THE TRUST FUND; DELEGATING AUTHORITY TO THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO ADMINISTER THE TRUST FUND; REQUIRING ANNUAL INDEPENDENT FINANCIAL AUDITS OF THE TRUST FUND; AND PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND 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 hearings.

Interested parties may appear at the public hearings 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 32095. 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
L2153-2 Oct 3, 2002

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

October 31, 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 October 29, 2002 and certified copies of St. Johns County Ordinance Nos. 2002-64 through 2002-66, which were filed in this office on October 30, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

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FILED

BUREAU OF ADMINISTRATIVE CODE

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