

ORDINANCE NO. 2015- 17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, DISSOLVING THE MOULTRIE CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 189 AND CHAPTER 190, FLORIDA STATUTES; REPEALING ORDINANCE NO. 2006-60; PROVIDING A DISCLAIMER OF DISTRICT OBLIGATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on May 16, 2006, the St. Johns County Board of Commissioners (the County) adopted Ordinance 2006-60 establishing the Moultrie Creek Community Development District (the District); and

WHEREAS, on February 18, 2014, the Joint Legislative Auditing Committee notified the Department of Economic Opportunity (the Department) that the District did not file its required Annual Financial Report with the Department of Financial Services; and

WHEREAS, on February 27, 2014, the Department published in the St. Augustine Record a Notice of Proposed Declaration of Inactive Status of the Moultrie Creek Community Development District (the Notice), which required any party objecting to the proposed inactive status to file an objection with the Department within 21 days of publication of the Notice; and

WHEREAS, the Department did not receive any objections during the 21 days provided for objection to the Notice; and

WHEREAS, pursuant to Section 189.062, Florida Statutes, the Department has changed the status of the District from "active" to "inactive" and has requested that the County repeal Ordinance 2006-60, which established the District, in a letter dated April 25, 2014; and

WHEREAS, pursuant to Sections 189.062 and 190.046, Florida Statutes, the County is required dissolve a community development district declared inactive by the Department and repeal the enabling ordinance; and

WHEREAS, it is the intention of the County to not undertake or accept any financial obligations, operating or maintenance responsibilities, or any other obligations of the District; and

WHEREAS, the County desires to dissolve the District, subject to the terms and conditions set forth in this Ordinance.

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

SECTION 1. The above recitals are adopted as findings of fact in support of this Ordinance.

SECTION 2. This ordinance is enacted pursuant to Chapter 189, Florida Statutes, Special Districts, General Provisions and Chapter 190, Florida Statutes, Community Development Districts.

SECTION 3. The Moultrie Creek Community Development District, established by Ordinance No. 2006-60, is hereby dissolved, pursuant to the provisions of Chapter 189 and Chapter 190, Florida Statutes.

SECTION 4. Ordinance No. 2006-60, which established the Moultrie Creek Community Development District, is hereby repealed. The Clerk is directed to place Ordinance 2006-60 into the list of repealed ordinances.

SECTION 6. Nothing in this Ordinance shall be construed as acceptance by St. Johns County of any financial obligations, operating or maintenance responsibilities, or any other obligation of the District.

SECTION 7. Notwithstanding any provision of this Ordinance, no portion of any impact fee ordinance, concurrency provision, building code, comprehensive plan or any land development regulation shall be deemed waived or varied by any provision herein. Notwithstanding any provision of this Ordinance, no portion of any use restriction, title conditions, restrictions or covenants shall be deemed waived or varied by any provision herein.

SECTION 8. If any provision of this Ordinance or the application thereof is finally determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 9. This Ordinance shall take effect upon a certified copy being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida this 3rd day of March, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: _____

Priscilla L. Bennett, Chair

Reaffirmation Date: _____

March 5, 2015

ATTEST: Cheryl Strickland, Clerk

By: Yvonne King
Deputy Clerk

Effective Date: _____

March 5, 2015

THE ST. AUGUSTINE RECORD

SJC DEVELOPMENT REVIEW
ATTN: RACHEL GARVEY
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

Ref.#: L542-15
P.O.#: HG 3-3

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

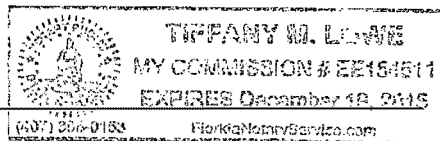
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **NICOLE CORREIA** who on oath says that he/she is an Employee 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 **DISSOLVE MOULTRIE CK - HEARING MARCH 3, 2015** was published in said newspaper on **02/20/2015**

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 has 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 he/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 _____ day of FEB 20 2015
by Nicole Correia who is personally known to me
or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)



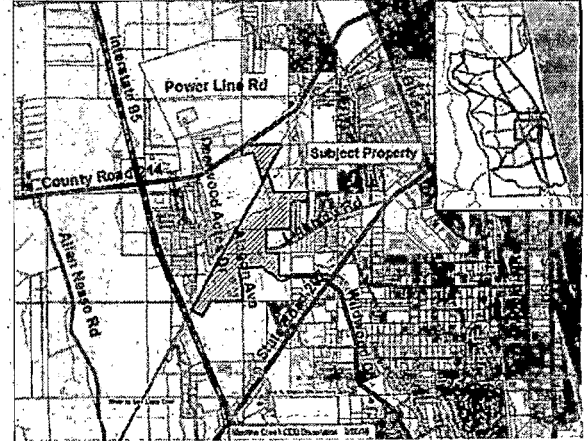
(Seal)

NOTICE OF A PUBLIC HEARING TO CONSIDER THE DISSOLUTION OF MOULTRIE CREEK COMMUNITY DEVELOPMENT DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Tuesday, March 3, 2015 at 9:00 a.m.** by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider the dissolution of the Moultrie Community Development District, with the following styled ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, DISSOLVING THE MOULTRIE CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 189 AND CHAPTER 190, FLORIDA STATUTES; REPEALING ORDINANCE NO. 2006-60; PROVIDING A DISCLAIMER OF DISTRICT OBLIGATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The Moultrie Creek Community Development District is located west of South Holmes Blvd., east of I-95, between County Road 214 and State Road 207 within St. Johns County, Florida.



This file is maintained in the Planning & Zoning Section of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

Interested parties may appear at the meeting and be heard with respect to the proposed request.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1 800 955 8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearings, he or she will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning & Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

BOARD OF COUNTY COMMISSIONERS
PRISCILLA L. BENNETT, CHAIR
Moultrie Creek Community Development District
L542-15-02 Feb 20, 2015



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 5, 2015

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2015-17, which was filed in this office on March 5, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

2015 MAR -5 PM 4:05
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

FILED