

RESOLUTION NO. 85-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AMENDING RESOLUTION 82-37, 82-139, 84-33, and 84-53 CONSTITUTING THE DEVELOPMENT ORDER, AS AMENDED FOR JULINGTON CREEK; FINDING THAT THE GRANTING OF A TIME EXTENSION FOR CERTAIN CONSTRUCTION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE TERMS AND CONDITIONS OF THE DEVELOPMENT ORDER AS AMENDED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution 82-37, as subsequently amended, has required General Development Corporation (Developer) to complete construction of a welcome pavilion and the clearing and grading of a ten acre parcel designated as a park site adjacent park and one baseball field (Facilities) by December 31, 1984;

WHEREAS, circumstances have occurred which will make completion of construction of the aforementioned Facilities by December 31, 1984 impossible;

WHEREAS, the Developer has provided the Board of County Commissioners with evidence of their good faith efforts to design and commence construction of these facilities and has committed to complete those Facilities by no later than August 1, 1985;

WHEREAS, the extension of time to complete the Facilities does not constitute a substantial deviation from the terms and conditions of the Development Order as amended;

WHEREAS, all other terms and conditions of the Development Order, as amended, shall remain unchanged.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Johns County that:

1. Resolution 82-37, as subsequently amended, be further amended as follows:

Section 1. Paragraph 4, ^{on page 7} is hereby deleted in its entirety and the following is added and substituted in its stead:

"4. Commencement of Development. If the Developer has not completed construction of a welcome pavilion by August 1, 1985 and completed sixty (60) of the residential units proposed for Phase I (which boundaries are shown at Exhibit "B") within two (2) years from Commencement of Sales within the property described at Exhibit A, Developer shall be required to apply to the Board for a determination of whether a substantial deviation from this order has occurred. The running of the two year period shall be tolled between the dates on which applications for approval of Final Development Plans necessary to meet the requirements of this section are filed and the dates on which such Final Development Plans are approved.

Commencement of Sales shall mean execution by both purchaser and Developer of a contract."

Section 2. Subsection "ii" of Section 20 is deleted in its entirety and the following is substituted in its stead:

"(ii) Recreational facilities: two baseball fields, including clay, backstops, striping, benches and bases (one regulation, one little league), picnic tables and grills shall be completed at Mills Fields within one year of Commencement of Sales within the project. Clearing and grading of this 10 acre parcel designated as a park site adjacent to the existing park and one baseball field shall be completed by Developer on or before August 1, 1985. Utilities shall be made available to all recreation sites when such utilities are available to adjacent areas."

Section 3. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Development Order for Julington Creek, Resolution 82-37, as subsequently amended.

Section 4. All other terms and conditions of Resolution 82-37, as amended, shall remain in full force and effect.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 9th DAY OF April, 1985.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: *Francis N. Brubaker*
Vice Chairman

Attest: Carl "Bud" Markel, Clerk

By: *Marie Hudson*
Deputy Clerk