

RESOLUTION NO. 91- 4

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA ALLOWING CERTAIN COUNTY WATER AND SEWER UNIT CONNECTION FEES TO BE PAID OVER TIME; ESTABLISHING UNIFORM WATER AND SEWER UNIT CONNECTION FEES THROUGHOUT THE COUNTY WATER AND SEWER SYSTEM, INCLUDING THE SYSTEMS WITHIN THE ANASTASIA SANITARY DISTRICT AND THE COUNTY I-95/SR-16 MSBU, PROVIDING CERTAIN EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Johns County ordinance #89-21, as amended, particularly sections 19(F), 22(B), 42K(B) and 42K(C) allow the Board of County Commissioners of St. Johns County to establish and modify unit connection fee amounts and to provide for their payment over a period of time by passing resolution(s) to such effect; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida hereby finds and determines that it is fair and equitable to allow structures that were legally using water from, and/or discharging sewage to, non County sources as a part of their normal operations immediately prior to connecting to a County water and/or sewer line to pay the required County unit connection fees over a period of years instead of immediately in full at the time of connection; and

WHEREAS, there currently exists, and may continue to exist, one or more St. Johns County water and sewer capacity agreements and temporary permits (Connection Commitments) entered into between January 18, 1990, and August 22, 1990, wherein the parties entered into such Connection Commitments based upon the property owners stated desire to induce the County to issue its water and sewer revenue bonds, Series 1990A, to enable the County to construct water and sewer facilities to serve such owners property within the I-95/SR-16 MSBU; and

WHEREAS, the unit connection fees established in sections 42K(B) and 42K(C) of County ordinance 90-16, and the sewage collection non ad valorem assessments, the fire protection non ad valorem

assessments, and the basic monthly water and sewer rates established by said ordinance were coordinated, set and established in the manner and for the purposes described in said ordinance and were intended to apply to the aforescribed Connection Commitments; and

WHEREAS, the above described Series 1990A water and sewer revenue bonds will be refunded on December 13, 1990 and the water and sewage system of the Anastasia Sanitary District and of the County including the County system located in the I-95/SR-16 MSBU, are being merged and will be operated as a single unified County system with the same rates, fees and charges being applied throughout; and

WHEREAS, State of Florida Attorney General Opinion 90-41 approves the payment of unit connection fees over time with interest;

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 8th day of January 1991.

Section 1. Payment over time of Unit Connection Fees.

When a structure that was legally using water from, and/or discharging sewage to, non County sources as a part of its normal operations immediately prior to connecting to a County water and/or sewer line or, when an owner who is a party to a Connection Commitment (described above) voluntarily terminates the Connection Commitment pertaining to an existing or future structure within the I-95/SR-16 MSBU with the consent of the County, then, in either case, at the option of the owner, the water and/or sewer unit connection fee may be paid over time for a period not to exceed ten (10) years. Interest shall be paid on the unpaid balance of the fee(s) owed at the rate of Seven and One Quarter Percent (7.25%) per annum.

When the owner of a structure requests payment over time of unit connection fees, the owner and the County will agree on the date that the final payment shall become due; which date shall be an anniversary date of the proposed date of the physical water and/or sewer connection. The County shall then calculate the number of

years between the proposed date of the physical connection and the final payment date. Such number shall constitute the number of Note Payment Dates.

The County shall divide the total amount of the unit connection fees by the integer number that is one less than the number of Note Payment Dates. The quotient shall constitute the First Payment.

On or before the physical water and/or sewer connection is made the owner shall pay the First Payment to the County and shall execute and deliver a note to the County in substantially the form attached hereto as Exhibit A dated the proposed physical connection date and in the principal amount of the unit connection fee(s) less the First Payment. The principal and interest on the note shall be paid in equal installments on each anniversary date of the proposed date of physical connection thereafter until paid in full.

Upon such option being exercised, a mortgage on the subject property securing the note shall be executed by the owner of the structure and delivered in recordable form to the County. The County shall file the mortgage in the public records of St. Johns County, Florida.

Upon all payments being made in full, the mortgage shall be satisfied of record. Should the mortgage not be paid on a timely basis, the county may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The property owner may prepay the note and mortgage at any time without penalty.

Section 2. Section 19 (Water and Sewer Unit Connection Fees) and Sections 42K(B) and 42K(C) of St. Johns County ordinance 89-21, as amended, and Section 19 (Water and Sewer Unit Connection Fees) of Anastasia Sanitary District Resolution 89-4 are hereby changed as follows:

The water unit connection fee shall be \$3.15 for each one gallon per day of projected water flow; two thirds of which shall constitute the treatment component and one third of which shall constitute the transmission component.

The sewer unit connection fee shall be \$3.99 for each one gallon per day of projected water flow; three fourths of which shall constitute the treatment component and one fourth of which shall constitute the transmission component.

No other portions of said sections are changed hereby.

Section 3. Sections 1 and 2 above shall be of no force or effect, and shall not modify or be applicable to the unit connection fees established under Sections 42K(B) and/or 42K(C) of St. Johns County ordinance 90-16 in those instances, and only those instances, pertaining to unit connection fees charged for connecting to County water and sewage service within the I-95/SR-16 MSBU for the structures, and only those structures, receiving such services pursuant to a non terminated St. Johns County water and sewer capacity agreement and temporary permit (Connection Commitment) that was entered into between January 18, 1990 and August 22, 1990.

Section 4. The County Administrator is hereby authorized to terminate each or any of the above described Connection Commitments upon the request of the other party thereto.

PASSED AND ADOPTED this 8th day of January, 1991 by the Board of County Commissioners of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Donald H. Herald*
Its Chairman

ATTEST:

BY: *Amy B. Mulligan*
Deputy Clerk



UNIT CONNECTION FEE
PROMISSORY NOTE

St. Augustine, Florida

\$ _____

For value received and as payment for unit connection fees, the undersigned, jointly and severally, promise to pay to the order of St. Johns County, Florida, at the Clerk of Court's office, St. Johns County Courthouse, P.O. Drawer 300, St. Augustine, Florida 32085 or elsewhere as the holder hereof may from time to time require, the principal sum of _____ (\$ _____) DOLLARS together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of SEVEN AND ONE QUARTER (7.25%) PERCENT per annum from the date hereof until paid; said principal and interest shall be paid in equal consecutive yearly installments of _____ (\$ _____) DOLLARS each commencing one year from the date hereof and continuing on the same month and day each and every year thereafter until paid in full; said installments to be applied first to interest and the balance to principal.

The makers hereof waive presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the makers hereof understand that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection including a reasonable attorney's fee, whether suit be filed or not.

The makers hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the makers hereof from making the payment of the installment then due nor of any subsequent installment provided hereby, unless at the time of such prepayment the makers hereof pay all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

This Note is secured by a mortgage of even date herewith.

SIGNED, SEALED AND DECLARED
IN OUR PRESENCE:

Dated: _____, 19__

Witness

(SEAL)

Witness

(SEAL)

The St. Augustine Record

PUBLISHED EVERY AFTERNOON 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 _____

SHERRY L. RAUCH

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 Intent

_____ in the matter of _____

Consider Enactment of Resolution No. 91

_____ in the _____ Court,

was published in said newspaper in the issues of _____

December 14, 1990

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 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 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.

Sherry L. Rauch

Sworn to and subscribed before me Zoe Ann Johns

this 14th day of December

A.D. 19 90

Zoe Ann Johns
Notary Public

(SEAL)

8122193

NOTICE OF INTENT
TO CONSIDER
ENACTMENT OF
RESOLUTION
NOTICE IS HEREBY GIVEN
THAT THE BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA,
AT ITS REGULAR MEETING
ON TUESDAY, JANUARY 08,
1991, AT 10:20 O'CLOCK A.M. IN
THE COUNTY AUDITORIUM,
COUNTY ADMINISTRATION
BUILDING, 4020 LEWIS
SPEEDWAY (COUNTY ROAD
16-A) AND U.S. #1 NORTH, ST.
AUGUSTINE, FLORIDA, WILL
HOLD A PUBLIC HEARING TO
CONSIDER THE PASSAGE OF
THE FOLLOWING ORDINANCE:
RESOLUTION NO. 91 -

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA ALLOWING CERTAIN COUNTY WATER AND SEWER UNIT CONNECTION FEES TO BE PAID OVER TIME; ESTABLISHING UNIFORM WATER AND SEWER UNIT CONNECTION FEES THROUGHOUT THE COUNTY WATER AND SEWER SYSTEM, INCLUDING THE SYSTEMS WITHIN THE ANASTASIA SANITARY DISTRICT AND THE COUNTY I-95/SR-16 MSBU, PROVIDING CERTAIN EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

The proposed Resolution is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearings.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purposes he 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.

BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA
Carl "Bud" Markel,
Its Clerk
By Connie E. McDaniel
Deputy Clerk
L183 Dec. 14, 1990