RESOLUTION NO. 94-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND ATLANTIC GULF COMMUNITIES CORPORATION AND A PROPOSED INTERLOCAL AGREEMENT BETWEEN THE COMMISSION AND THE JULINGTON CREEK PLANTATION COMMUNITY DEVELOPMENT DISTRICT, BOTH IN REGARDS TO SAID DISTRICT NOT LEVYING TAXES OR SPECIAL ASSESSMENTS ON COUNTY PROPERTY IN THE DISTRICT.

WHEREAS, the St. Johns County Board of County Commission (the "Commission") supported the creation of the Julington Creek Plantation Community Development District (the "District"), in part, based on the understanding that the County property within the District would not be subject to District taxation or special assessments; and

WHEREAS, the proposed agreement between the Commission and Atlantic Gulf Communities Corporation ("Atlantic Gulf"), attached hereto and incorporated herein by reference provides that Atlantic Gulf shall request that the District enter into an Interlocal Agreement with the Commission providing that land owned by the County, or beneficially owned by the County for government purposes, in the District, shall not be subjected to District tax levies or special assessments; and

WHEREAS, a draft of the proposed Interlocal Agreement with the District is incorporated into the attached agreement between Atlantic Gulf and the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. The Chairman of the Board of County Commissioners is authorized to execute for the Commission an Agreement with Atlantic Gulf Communities Corporation in substantially the form of that attached hereto (that Agreement having attached and incorporated therein a proposed Interlocal Agreement between the Commission and the Julington Creek Plantation Community Development District).

PASSED AND ADOPTED this 26th day of July, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allen Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Deputy Clerk
AN AGREEMENT
TO LIMIT THE LEVY OF ALL TAXES
AND/OR NON AD VALOREM SPECIAL ASSESSMENTS
BY THE PROPOSED JULINGTON CREEK PLANTATION
COMMUNITY DEVELOPMENT DISTRICT AGAINST
LANDS OWNED FROM TIME TO TIME BY ST. JOHNS COUNTY
WITHIN THE BOUNDARIES OF THE SAID DISTRICT

This AGREEMENT is entered into this ___ day of July, 1994, by
and among Atlantic Gulf Communities Corp. ("Petitioner") and Board
of County Commissioners of St. Johns County, Florida ("Board").

RECITALS:

A. On the 2nd day of March, 1994, Petitioner petitioned the
Governor and Cabinet sitting as the Florida Land and Water
Adjudicatory Commission to establish the proposed Julington Creek
Plantation Community Development District ("District"); and

B. The Board reviewed the petition and on the 12th day of
April, 1994, conducted the optional hearing authorized under
Section 190.005(1)(c), Florida Statutes, which hearing was
continued with the consent of Atlantic Gulf until April 26, and
adopted at that hearing, a resolution supporting establishment of
the proposed District and subsequently the Board authorized staff
to participate in the hearing before the state hearing officer
pursuant to Section 190.005(1)(d), Florida Statutes, putting into
the record of that hearing, the resolution of the County supporting
establishment of the proposed District; and

C. St. Johns County owns and from time to time, may continue
to own, real property within the external boundaries of the
proposed District; and

D. The District, once established, shall have the power
pursuant to its charter (Sections 190.006 - 190.041, Florida
Statutes) to levy on real property within the external boundaries
of the District, property taxes and/or non ad valorem special
assessments by various names; and

E. The parties have agreed that it is in the public interest
and in the interest of the citizens and taxpayers of St. Johns
County and in the interest of the parties to this Agreement, that
none of the real property owned, or beneficially owned for
governmental or public purposes, by St. Johns County within the
external boundaries of the District shall have levied by the
District against said real property, any ad valorem taxes or non ad
valorem special assessments by any name.

NOW, THEREFORE, in consideration of the foregoing premises and
the mutual covenants hereinafter set forth, the Board and
Petitioner do hereby covenant and agree as follows:
I. Definitions.

a. Ad Valorem Taxes.

This term shall mean those taxes defined in s. 192.001(1), Florida Statutes, authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

b. Non Ad Valorem Special Assessments.

This term shall mean those assessments authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes. The parties intend that this includes "benefit special assessments", "maintenance special assessments", "special assessments", "assessments", and "non ad valorem assessments". The term does not include rates, fees, or charges.

II. Duty of the Petitioner to ask the Board of Supervisors of the District, once established, to agree to exempt real estate owned or beneficially owned for governmental or public purposes by the County within the boundaries of the proposed District from District levied ad valorem taxes and/or non ad valorem special assessments by whatever name.

Petitioner shall agree to request, and exert all efforts to cause, the Board of Supervisors of the proposed Julington Creek Plantation Community Development District, once established, to agree to exempt real estate owned or beneficially owned for governmental or public purposes by the County within the boundaries of the proposed District from all ad valorem taxes and/or non ad valorem special assessments, by whatever name, levied by the Board of Supervisors of the District.

III. Wording of the interlocal governmental agreement.

Petitioner agrees to present to the Board of Supervisors of the Proposed Julington Creek Plantation Community Development District, within the timeframes set forth in Section II above, the draft of the interlocal agreement to be entered into by the County Board and the District Board of Supervisors regarding the exemption from ad valorem taxes and non ad valorem special assessments, by whatever name, of real property owned, or beneficially owned for
governmental or public purposes, at any time by the County within the boundaries of the proposed District, which draft is attached hereto as Exhibit A. The parties hereto expressly confirm and approve the wording of this agreement and intend that it be the wording of the interlocal agreement entered into with the Board of Supervisors of the District once established.

IN WITNESS WHEREOF, the Board and Petitioner have caused this Agreement to be executed by their duly authorized representatives as of this __ day of July, 1994.

ATLANTIC GULF COMMUNITIES CORP.

Witness

By:

Title:

Witness

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this day of July, 1994, by _______________ of Atlantic Gulf Communities Corporation. He is personally known to me or has produced _______________ as identification and did/did not take an oath.

Notary Public, State of Florida at Large

Name:

My commission expires:
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: __________________________
   Its Chair

ATTEST:  CARL "BUD" MARCKEL, CLERK

By: __________________________
   Clerk
EXHIBIT A

AN AGREEMENT
LIMITING THE LEVY OF ALL TAXES
AND/OR NON AD VALOREM SPECIAL ASSESSMENTS
BY THE JULINGTON CREEK PLANTATION
COMMUNITY DEVELOPMENT DISTRICT AGAINST
LANDS OWNED AT ANY TIME BY ST. JOHNS COUNTY WITHIN
THE BOUNDARIES OF THE SAID DISTRICT

This AGREEMENT is entered into this __ day of ___
1994, by and among Board of Supervisors of the Julington Creek
Plantation Community Development District ("District" or "District
Board") and the Board of County Commissioners of St. Johns County,
Florida ("County Board").

RECITALS:

A. On the 26th day of July, 1994, the Governor and
Cabinet sitting as the Florida Land and Water Adjudicatory
Commission established the Julington Creek Plantation Community
Development District; and

B. St. Johns County owns and from time to time, may
continue to own, or beneficially own for governmental or public
purposes, real property within the external boundaries of the
District; and

C. The District has the power pursuant to its charter
(Sections 190.006 - 190.041, Florida Statutes) to levy on real
property within the external boundaries of the District, ad valorem
taxes and/or non ad valorem special assessments by various names;
and

D. The parties have agreed that it is in the public
interest and in the interest of the citizens and taxpayers of both
St. Johns County and the District and in the interest of the
parties to this Agreement, that none of the real property owned, or
beneficially owned for governmental or public purposes, by St.
Johns County within the external boundaries of the District, shall
at any time have levied by the District against said real property,
any ad valorem taxes or non ad valorem special assessments by any
name.
NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the District Board and the County Board do hereby covenant and agree as follows:

I. Definitions.

a. Ad Valorem Taxes.

This term shall mean those taxes defined in s. 192.001(1), Florida Statutes, authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

b. Non Ad Valorem Special Assessments.

This term shall mean those special assessment levies authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes. The parties intend that this include "benefit special assessments", "maintenance special assessments", "special assessments", "assessments", and "non ad valorem assessments". This term does not include any rates, fees or charges authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

II. Requirement by the District Board to exempt County owned real property within the boundaries of the District from District levied ad valorem taxes and/or non ad valorem special assessments by whatever name at any time as provided by Florida law.

a. The District Board hereby agrees to exempt any and all real property owned, or beneficially owned for governmental or public purposes, by the County within the boundaries of the District from ad valorem taxes and non ad valorem special assessments levied from time to time by the District Board as provided by Florida law.

b. Nothing herein shall prevent the District Board from levying any taxes or assessments on any interest in real property transferred from the County to a non-governmental third party.
IN WITNESS WHEREOF, the Board and District have caused this Agreement to be executed by their duly authorized representatives as of this ___ day of ____________, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: ____________________________
   Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: ____________________________
   Clerk

JULINGTON CREEK PLANTATION
COMMUNITY DEVELOPMENT DISTRICT

ATTEST:

By: ____________________________
   Its Chair

Secretary ____________________________