

RESOLUTION NO. 94- 187

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT AND EXECUTE 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.

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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 an 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, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows.

The County Administrator is authorized to accept and execute, for St. Johns County, said Agreement as attached hereto and incorporated herein by reference as Exhibit A.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 11th day of October, 1994.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jean Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Irma Paeth
Deputy Clerk

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 11 day of October, 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 11th day of October, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Isma Paetti
Clerk

JULINGTON CREEK PLANTATION
COMMUNITY DEVELOPMENT DISTRICT

ATTEST:

[Signature]
Secretary

By: [Signature]
Its Chair