

RESOLUTION NO. 2001 - 156

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES PURSUANT TO THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT

WHEREAS, the City of St. Augustine Beach passed and adopted Ordinance 01-04 on March 5, 2001, which ordinance annexed property previously within unincorporated St. Johns County, and

WHEREAS, the Board of County Commissioners of St. Johns County and the City of St. Augustine Beach are in conflict regarding this annexation, and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to initiate the conflict resolution procedures provided by this act prior to initiating court procedures or prosecuting action on a previously filed court proceeding to resolve the conflict, and

WHEREAS, the Board of County Commissioners of St. Johns County has identified the creation of an enclave, and accessing and servicing the enclave, as issues of conflict arising out of this annexation, and

WHEREAS, the Board of County Commissioners of St. Johns County recognizes that pursuant to the provisions of Section 171.081, Florida Statutes, the filing of a Petition for Writ of Certiorari in the Circuit Court contesting the annexation must be filed within 30 days from passage of such annexation ordinance in order for the County to preserve its significant legal rights, and

WHEREAS, on March 27, 2001 the Board of County Commissioners of St. Johns County instructed its counsel to preserve its legal rights by filing any appropriate response with the Courts, and

WHEREAS, counsel for the Board of County Commissioners of St. Johns County filed a Petition for Writ of Certiorari, Case Number CA-01-642, in the Circuit Court and simultaneously filed a consent Motion to Abate the Petition in order to afford both parties an opportunity to utilize the provisions of the Florida Governmental Conflict Resolution Act, including mediation, and

WHEREAS, mediation of this matter has been set for August 8, 2001, and it is anticipated that a County Commissioner may attend this mediation, but that he or she has not been delegated the authority to act on behalf of the Board of County Commissioners of St. Johns County regarding settlement or litigation.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are hereby incorporated by reference as findings of fact and conclusions of law.

Section 2. The County Attorney's office is instructed to initiate the necessary proceedings pursuant to Chapter 164, Florida Statutes (the "Florida Governmental Conflict Resolution Act"), including but not limited to, mediation and any necessary court proceedings to preserve the County's rights.

PASSED AND ADOPTED, this 24th day of July, 2001.

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

By: Marc Jacalone
Marc Jacalone, Chairman

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

