

RESOLUTION NO. 03- 227

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN ADDENDUM TO THE ROAD IMPACT FEE CREDIT AGREEMENT WITH IT LAND ASSOCIATES, LLC AND SJ LAND ASSOCIATES, LLC**

**WHEREAS**, IT Land Associates, LLC as successor in interest to SJH Partnership, Ltd. and SJ Land Associates, LLC as successor in interest to Dunavant Enterprises, Inc. (the “Developers”) are the Developers of that certain land contained within a Development of Regional Impact commonly referred to as Saint Johns and more particularly described in St. Johns County Resolution No. 91-130, as modified by Resolutions Nos. 91-183, 94-211, 95-06, 96-102, 96-233, and 98-126; and

**WHEREAS**, St. Johns County Ordinance No. 87-57, St. Johns County Road Impact Fee Ordinance (“Impact Fee Ordinance”), allows for impact fee credits to be granted by the Board of County Commissioners for property deeded to the County and/or roadway improvements made; and

**WHEREAS**, in accordance with the Impact Fee Ordinance, the Board of County Commissioners is permitted to approve impact fee credits; and

**WHEREAS**, in accordance with the Impact Fee Ordinance, the Developers are entitled to certain impact fee credits; and

**WHEREAS**, the County and the Developers entered into an Impact Fee Credit Agreement for Road Impact Fees on November 18, 1997 (“Road Impact Fee Credit Agreement”); and

**WHEREAS**, The Road Impact Fee Credit Agreement can only be amended to increase the Developers road impact fee credit by a duly executed agreement between the Developers and St. Johns County.

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

1. The Board of County Commissioners authorizes the County Administrator to execute an addendum to the Road Impact Fee Credit Agreement for those roadway improvements identified in the Road Impact Fee Credit Addendum attached hereto as Exhibit A. The addendum executed by the County Administrator shall be in substantially the same form as that attached hereto.

2. Upon acceptance by the County Administrator, the Clerk is instructed to record said addendum in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 25 DAY OF November, 2003.**

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

BY: Karen R. Stern  
ITS: Chairman Karen R Stern

ATTEST:

Cheryl Strickland, Clerk

By: Robin S. Platt  
Deputy Clerk

RENDITION DATE 11/26/2003

## ADDENDUM TO ROAD IMPACT FEE CREDIT AGREEMENT

THIS ADDENDUM to the Saint Johns Road Impact Fee Credit Agreement (this "Addendum") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ("County"), and IT LAND ASSOCIATES, LLC, the successor in interest to SJH PARTNERSHIP, LTD, as the owner and developer of the Interchange Parcel of Saint Johns ("IT") and SJ LAND ASSOCIATES, LLC the successor in interest to Dunavant Enterprises, Inc. as the owner and developer of the Six Mile Creek Parcel of Saint Johns, ("SJ") (collectively IT and SJ are referred to below as "Developer").

In consideration of the mutual covenants and undertakings of the parties described in the Road Impact Fee Credit Agreement, dated November 18, 1997 and recorded at Official Records Book 1278, page 1596, of the Official Public Records of St. Johns County, Florida, (the "Original Impact Fee Agreement") as amended by the Addendum to Road Impact Fee Credit Agreement, dated March 3, 1999 and the Addendum to Road Impact Fee Agreement, dated March 4, 1999 and the Addendum to Road Impact Fee Agreement, dated January 3, 2000, and the Addendum to Road Impact Fee Agreement, dated January 15, 2001 (Collectively, the "Agreement") and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Supplemental Agreement. This Addendum supplements the Agreement. All terms used in this Addendum shall have the same meaning as is given to them in the Agreement. This Addendum is intended to be consistent with the terms of the Agreement and shall be so interpreted.

2. Road Impact Fees. The St. Johns County Road Impact Fee Ordinance 87-57 ("Ordinance"), as amended, requires any person who seeks to develop land within the unincorporated portions of St. Johns County to pay a road impact fee in accordance with the fee schedule established in the Ordinance. The Agreement entitles the Developer to credits which may be used by the Developer or the Developer's assignees to pay road impact fees for development within the Saint Johns DRI, for contributions of money or when road infrastructure improvements are conveyed or dedicated to the County. Section 6(f) of the Original Agreement provides that the Agreement may only be amended or modified by written agreement duly executed by the parties. Thus, the Agreement requires the County and the Developer to enter into an addendum each time there is a contribution of money or when road infrastructure improvements are conveyed or dedicated to the County. The Addendum sets forth the amount of additional credits available for road impact fees attributable to certain funds expended by the Developer on improvements to the road infrastructure. This Addendum establishes the amount of the road impact fee credits attributable to funds contributed on the date of this Addendum.

3. Developer Contribution. The Developer has caused the planning, designing, surveying, installation, and conveyance to the County of the traffic signal (Collectively, the "Traffic Light Installation") at the intersection of International Golf Parkway and State Road 16 to occur. The Developer has incurred the following costs as a result of the Traffic Light Installation:

- (a) Engineering Fees: \$24,665.00
- (b) Survey Fees: \$ 1,790.00
- (c) Installation Costs: \$65,267.00
- (d) Florida Power and Lighting Costs: \$22,409.00

The total cost to the Developer for the Traffic Light Installation was \$114,121.00. Accordingly, the road impact fee credit account in the name of the Developer is hereby increased by the amount of \$114,121.00.

4. Use of Road Impact Fee Credits. The road impact fee credit account referenced in Section 3 above, may be used by the Developer or the Developer's assignees for payment of road impact fees (from the fee credit account) for development within the Saint Johns DRI.

**IT LAND ASSOCIATES, LLC**  
a Florida limited liability company

By: SJ Land Associates, LLC,  
A Delaware limited liability  
company, its Sole Member

By: SJ LAND COMPANY,  
a Delaware corporation, its  
Managing Member

By: \_\_\_\_\_  
James E. Davidson, Jr.  
Executive Vice President  
Development Administration

**SJ LAND ASSOCIATES, LLC, a**  
Delaware limited liability company

By: **SJ LAND COMPANY, a Delaware**  
Corporation, its managing member

By: \_\_\_\_\_  
James E. Davidson, Jr.  
Executive Vice President of  
Development Administration

**ST. JOHNS COUNTY, FLORIDA**

By: \_\_\_\_\_  
Ben W. Adams  
County Administrator