

RESOLUTION 2005- 179

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING FUTURE MAINTENANCE AND/OR IMPROVEMENTS ON INFRASTRUCTURE THAT WAS CONSTRUCTED THROUGH THE USE OF A STATE OF FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION FUND GRANT, AND ACKNOWLEDGING THE INFRASTRUCTURE TRANSPORTATION IS FOR USE BY THE GENERAL PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida through the Office of Tourism, Trade, and Economic Development (OTTED) has awarded an Economic Development Transportation Fund Grant to St. Johns County, Florida, on behalf of Rulon Company, for the development and construction of rights-of-way and roadway infrastructure (Ring Way) within the World Commerce Center; and

WHEREAS, real property and appropriate infrastructure improvements have been conveyed to St. Johns County, Florida through a recorded platting procedure; and

WHEREAS, one State-imposed condition for the grant is that: 1) the State be absolved of any responsibility for costs other than the initial construction of the infrastructure improvement that were appropriated in the grant conditions and, 2) that the local government accepts responsibility for any such post-construction costs, including maintenance and related costs.

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

Section 1. The above recitals are incorporated by reference into the body of the Resolution, and such Recitals are adopted as Findings of Fact.

Section 2. St. Johns County, Florida hereby accepts responsibility for any post-construction costs, including maintenance and related costs on infrastructure improvements related to the Rulon Company project that were constructed with grant funds from the State Office of Tourism, Trade and Economic Development.

Section 3. St. Johns County required Ring Power Corporation to establish a construction and maintenance bond for any failures or irregularities occurring during the post construction time starting May 23, 2005 and continuing for a period of 26 months. Thirty (30) days prior to the conclusion of the 26-month period, the County will inspect the roadway construction and determine if any corrections are to be required. At that time, the Contractor can and will make the corrections, or the County can exercise the construction and maintenance bond to fund said corrections.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court, such portion or application shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 12th day of July, 2005.

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

By: Bruce Maguire
Bruce Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk

RESOLUTION DATE 7-15-05