

RESOLUTION NO. 2006-270

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ST. JOHNS COUNTY UTILITY DEPARTMENT TO PAY FOR CERTAIN UTILITY COSTS IN CONNECTION WITH STATE ROAD 16 WATER MAIN EXTENSION RELATED TO HERITAGE LANDING, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF OF THE COUNTY, ANY DOCUMENTS ASSOCIATED WITH SUCH PROJECT

WHEREAS, D.R. Horton, Inc.-Jacksonville (“Developer”), the developer of Saint Johns Six Mile Creek West, also known as Heritage Landing (the “Development”) has constructed a water main extension (the “Water Main”) within or in the vicinity of State Road 16; and

WHEREAS, prior to the construction of the Water Main, the Developer obtained bids for the construction of the Water Line, both for the originally planned 12” line and also for the upsized 16” line requested by the St. Johns County Utility Department (the “Utility”), and concluded that the difference in cost of the originally planned Water Main and the upsized Water Main requested by the Utility was \$105,500.00; and

WHEREAS, at the request of the Utility, Developer agreed to construct the upsized Water Main; and

WHEREAS, the Developer had the obligation to construct certain sewer lift station improvements in connection with the Development, but in consultation with the Utility has determined that it is appropriate to modify the construction of lift stations within the Development in return for making a contribution to the Utility in the amount of \$75,000.00 toward the cost of a new regional lift station recently constructed by the Utility in a location southerly of the Development; and

WHEREAS, the Developer and the Utility are desirous of completing the aforesaid arrangements according to their recent discussions and of having the County approve the payment by the Utility to Developer of the net amount of \$30,500.00, representing the difference between the amount owed by the Utility to Developer for the construction of the upsized Water Main and the amount owed by Developer to the Utility for Developer’s contribution to the cost of the new regional lift station recently constructed by the Utility.

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 this Resolution, and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners of St. Johns County, Florida approves and authorizes the construction by that Developer D. R. Horton, Inc.-Jacksonville, for the upsized Water Main that is associated with the State Road 16 Water Main Extension.

Section 3. The Board of County Commissioners of St. Johns County, Florida approves and authorizes, subject to legal review and recommendation from the Office of County Attorney, the County Administrator to execute any, and/or all documents/agreements that are associated with Developer D.R. Horton Inc.-Jacksonville's construction of an upsized Water Main that is connected with the State Road 16 Water Main Extension.

Section 4. The Board of County Commissioners of St. Johns County, Florida, approves and authorizes the St. Johns County Utility Department to take whatever steps necessary, in order to accommodate the modification of the sewer lift stations at Heritage Landing, and accept and/or acknowledge \$75,000.00 (seventy-five thousand dollar) contribution by Developer D.R. Horton, Inc.-Jacksonville to the St. Johns County Utility Department, in order to partially offset the St. Johns County Utility Department's cost of constructing the regional sewer lift station.

Section 5. In light of the above noted off-set, the Board of County Commissioners of St. Johns County, Florida approves and authorizes the St. Johns County Utility Department to pay Developer D. R. Horton, Inc.-Jacksonville, an amount not to exceed \$30,500.00 (thirty thousand, five hundred dollars), in order to satisfy St. Johns County's portion of the completed upsized Water Main that is connected with the State Road 16 Water Main Extension, and which is at, or near, Heritage Landing.

PASSED AND ADOPTED this 8th day of August, 2006, by the Board of County Commissioners of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
Print Name: James E. Bryant
Its: Chairman

ATTEST: Cheryl Strickland, Clerk of Court

RENDITION DATE 8/8/2006

By: Robin L. Platt
Print Name: Robin L. Platt
Its: Clerk