

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT WITH PUTNAM COUNTY, FLORIDA.

WHEREAS, the Florida Governmental Conflict Resolution Act as formed by the Florida Legislature to promote, protect, and improve the public health, safety and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the scope of the Florida Governmental Conflict Resolution Act specifically pertains to any issue relating to local comprehensive plans or plan amendments prepared pursuant to part II of chapter 163, including, but not limited to, conflicts involving levels of service for public facilities and natural resource protection; and

WHEREAS, the St. Johns County Board of County Commissioners adopted Resolution No. 2006-448 (attached) on or about November 14, 2006, and said Resolution requested that Putnam County, the Northeast Florida Regional Council, and the Department of Community Affairs, consider and address certain specific concerns pertaining to the proposed Mariposa Development of Regional Impact (DRI) project bordering the St. Johns County/Putnam County line; and

WHEREAS, on or about May 4, 2007, the St. Johns County Attorney corresponded by letter (attached) to the Putnam County Attorney pertaining to the Mariposa DRI, St. Johns County concerns indicating that reasonable requests made by St. Johns County through Resolution No. 2006-448 had not been fully met as of that date; and

WHEREAS, upon knowledge and belief, Putnam County has not meaningfully responded to St. Johns County pertaining to the requests made in St. Johns County Resolution 2006-448; and

WHEREAS, on or about June 12, 2007, the Putnam County Commission approved an ordinance changing the Comprehensive Growth Management Plan and Land Use Map pertaining to the Mariposa DRI property, and furthermore, adopted a resolution approving a Development Order pertaining to the Mariposa DRI; and

WHEREAS, St. Johns County and its roadways and other public facilities are negatively affected by the proposed Mariposa DRI, without the negative impacts being fully addressed or mitigated.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Johns County, Florida, intends and initiates the conflict resolution procedures provided by the

Florida Governmental Conflict Resolution Act prior to initiating a court proceeding pertaining to the conflict, and in support of such initiation provides:

(1) St. Johns County Resolution No. 2006-448 and the issues/concerns it raises are hereby incorporated herein.

(2) The correspondence dated May 4, 2007, from the St. Johns County Attorney to the Putnam County Attorney is hereby incorporated herein.

The conflict resolution procedure is justified because St. Johns County, upon knowledge and belief, believes it will be harmed by the proposed Mariposa DRI in terms of negative effects upon St. Johns County's roadways and other public facilities without sufficient mitigation. Furthermore, upon two written attempts to resolve the negative impact issues, St. Johns County has not received a meaningful response from Putnam County, nor evidence that the negative impacts would be sufficiently addressed.

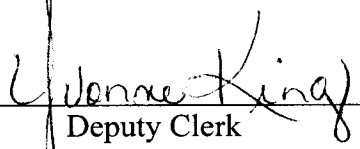
The proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053 shall be July 18, 2007 at a location to be determined. It is suggested that the County Administrator of each of the counties, and planning officials selected by each of the County Administrators, should be present at the conflict assessment meeting.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 10th of July, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Rendition Date: 07/10/07



RESOLUTION NO. 2006-448

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA REQUESTING SUPPORT FOR THE TRANSPORTATION CONCERNS PERTAINING TO THE PROPOSED MARIPOSA DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the Town of Hastings Commissioners and the Board of County Commissioners of St. Johns County have held a joint meeting for discussion of transportation concerns as it relates to the proposed Mariposa Development of Regional Impact (DRI) project bordering the St. Johns County/Putnam County line; and

WHEREAS, Mariposa is a proposed 2,061-acre master-planned, mixed use development of regional impact located south of Cracker Swamp Road and north of Yelvington Road in eastern Putnam County, southwest of the Town of Hastings; and

WHEREAS, the eastern boundary of Mariposa is the Putnam/St. Johns County line, the northern boundary is Cracker Swamp road, and the southern boundary is Yelvington Road. Mariposa's preliminary master plan includes a variety of residential areas to be located around a Village Center; and

WHEREAS, the Governor and Cabinet classified Putnam County as a County of Critical Economic Concern through Executive Order 03-74; and

WHEREAS, it is expected that Mariposa will develop with a mixture of single family homes, townhomes, and multi-family housing surrounded by a wide array of amenities such as active and passive parks, swimming pools, multi-purpose fields and public gathering spaces; and

WHEREAS, Master Plan build-out of Mariposa will occur over two seven (7) year phases and consist of 3,230 residences, 679,000 square feet of office, retail, and business park space, a public school site and fifty-two (52) acres of community and neighborhood parks; and

WHEREAS, at build-out, the project is expected to generate 31,257 Daily Net External Trips and 3,067 PM Peak Hour Net External Trips, with 64.9% or 20,286 Daily Net External Trips and 1,990 PM Peak Hour Net External Trips impacting St. Johns County roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Johns County, Florida, requests that Putnam County, the Northeast Florida Regional Council, and the Department of Community Affairs, consider and address the following concerns:

1. Assurance that the Proportionate Share amount in any final Mariposa Development Order is appropriate to the Development's impacts, including the impacts to St. Johns County.

2. Assurance that the roadway network improvements that comprise the applicant's pipeline mitigation are in fact regional roads.

3. Assurance that the impacts of the proposed development on SR 207, particularly those in the Town of Hastings, will be appropriately addressed and mitigated.

4. Assurance that notice of material changes to the Mariposa DRI application and any approved Mariposa DRI shall be provided to St. Johns County with an opportunity for St. Johns County to reasonably provide coordination and input.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 14th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

Rendition Date: 11-16-06

By: Patricia A. Grande
Deputy Clerk

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners

OFFICE OF THE
COUNTY ATTORNEY

P.O. BOX 349
SAINT AUGUSTINE, FLORIDA
32085-0349



PHONE: (904) 209-0805
FAX: (904) 209-0806

Via Electronic and U.S. Mail

May 4, 2007

Russell D. Castleberry, Esquire
Putnam County Attorney
P.O. Box 758
Palatka, FL 32178-0758

Re: Mariposa DRI; St. Johns County Concerns.

Dear Mr. Castleberry:

The Board of County Commissioners of St. Johns County requested support for the transportation concerns pertaining to the proposed Mariposa DRI through SJC Resolution No. 2006-448, dated November 14, 2006 and provided to Putnam County. The St. Johns County Board has requested that I recontact Putnam County pertaining to transportation concerns pertaining to the Mariposa DRI. A copy of Resolution No. 2006-448 is enclosed for your reference.

The St. Johns County Board has requested that Putnam County address the following concerns:

1. Assurance that the Proportionate Share amount in any final Mariposa Development Order is appropriate to the Development's impacts, including the impacts to St. Johns County.
2. Announce that the roadway network improvements that comprise the applicant's pipeline mitigation are in fact regional roads.
3. Assurance that the impacts of the proposed development on SR 207, particularly those in the Town of Hastings, will be appropriately addressed and mitigated.
4. Assurance that notice of material changes to the Mariposa DRI application and any approved Mariposa DRI shall be provided to St. Johns County with an opportunity for St. Johns County to reasonably provide coordination and input.

It is my understanding that at the April 11, 2007 Putnam County Planning Commission meeting, a representative of Mariposa DRI confirmed that property had been contracted for in St. Johns County (such portion referred to by some as "Mariposa East"). As you know, Section 380.065,

Russell D. Castleberry, Esquire

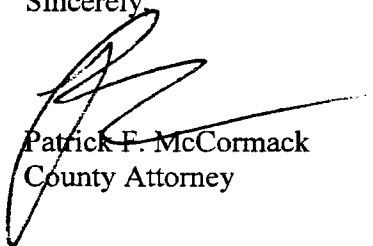
May 4, 2007

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Fla. Stat., provides that two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single DRI when they are determined to be part of a unified plan of development and are physically proximate to one other. Said Section provides a number of criteria pertaining to aggregation, a number of which would appear to be met if the Mariposa developers proceed in St. Johns County adjacent to Mariposa. Even if plans for "Mariposa East" are not considered aggregation under 380.065(4)(c), regional planning and developments of regional impact serve the public best when local and state governments have an accurate understanding of how a developer intends to proceed. St. Johns County is concerned about the negative effects of the existing Mariposa DRI application on St. Johns County transportation facilities. Furthermore, if the developer plans on adding further to the impact, but has not yet revealed or explained the extent of any additional development adjacent to the Mariposa DRI, both Putnam County and St. Johns County shall have been harmed.

The reasonable requests made by St. Johns County through Resolution 2006-448 have not been fully met at this time, particularly requests 1 and 3. The factor of "Mariposa East" planned for St. Johns County has not been sufficiently described by the developer. Therefore, Putnam County is requested to defer its approval of the Mariposa DRI until the questions concerning impact to St. Johns County are addressed. Coordination between our counties in the form of an interlocal agreement or other mechanism may be helpful to address the full effects of Mariposa. Please contact me if you have any questions pertaining to this matter. I request that you expeditiously provide a copy of this letter to the Putnam County Board of County Commissioners and appropriate administrative staff.

Sincerely,



Patrick F. McCormack
County Attorney

Enclosures

cc: Board of County Commissioners, St. Johns County
Wally Kropacek, Interim County Administrator, St. Johns County
Darrell Locklear, Assistant County Administrator of Operations, St. Johns County
Teresa Bishop, Growth Management Services Director, St. Johns County