RESOLUTION NO. 2016 - 21

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE CITY OF ST. AUGUSTINE, FLORIDA TO FOR A SECURE PUBLIC SAFETY DOCKING FACILITY.

RECITALS

WHEREAS, the Florida Interlocal Cooperation Act of 1969 authorizes local governments to cooperate to provide services for mutual benefit and to make the most efficient use of their respective powers by entering into an interlocal agreement to provide public services and facilities that will accord best with geographic, economic, population, and other factors affecting the needs and development of communities; and

WHEREAS, in accordance with section 163.01, F.S., the County and the City mutually seek to enter into an interlocal agreement which sets forth their respective obligations, duties and responsibilities concerning cooperative efforts to provide for rapid response vessels for emergency marine services as described herein; and

WHEREAS, collectively there are 42 miles of Atlantic coastline, the St. Augustine, Matanzas, and Vilano Inlet, and the Intracoastal Waterway within the jurisdictions of the County and the City; and

WHEREAS, the County’s Fire Rescue Department (SJCFR), the St. Johns County Sheriff’s Office (SJCSO), and the Florida Fish and Wildlife Commission (FWC) provide services within the waterways under the jurisdiction of more than one local government, including the County and the City; and

WHEREAS, pursuant to section 163.01(10), F.S., agencies entering into interlocal agreements may receive grants-in-aid or other assistance funds from the United States Government or this state for use in carrying out the purposes of the interlocal agreement; and

WHEREAS, the County applied for, and is the recipient of grant funds to provide a secure public safety docking facility to house and secure equipment and services, including three rapid response vessels and associated safety and emergency response equipment for the above entities (SJCFR, SJCSO, and FWC) capable of security, fire suppression, rescue, recovery, and All Hazards Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) responses necessary for the public health, safety, and welfare; and
WHEREAS, the grant application identified the publically-owned Property located on 101 Vilano Causeway, more specifically described in Exhibit A (the Property), attached hereto and incorporated herein, as the most suitable and beneficial location for construction of a secured public safety dock facility based upon reduced response time, efficiency, access to major waterways of the Vilano Inlet, Intracoastal Waterway, the Northeast Florida Regional Airport, the Atlantic Ocean and the St. Augustine Port, access to major roadways, security, and protection; and

WHEREAS, it has been determined that no other location provides such benefit for rapid response marine emergencies and that no other location is suitable for providing a secured public access docking facility that meets the requirements for ease of access to waterways and highways, as well as security for public safety equipment and vessels; and

WHEREAS, the Property is within the City’s jurisdictional limits, and has a future land use classification of Recreation/Open Space, is zoned Government Use, is within Conservation Overlay Zone 1, and is currently used as the Vilano Boat Ramp park, a publically accessible boat ramp with other water-based and dependent uses; and

WHEREAS, the purpose of this Interlocal Agreement is to provide for a secure public safety docking facility housing up to three (3) rapid response marine emergency vessels and associated equipment located on County-owned property within the jurisdictional limits of the City; and

WHEREAS, absent this Interlocal Agreement for the mutual and joint exercise of powers as stated above, the strict reading of the development standards in Section 11-29(c)(17) of City of St. Augustine City Code (Code) would not permit a secure public safety docking facility as roofed structures and walls constructed on any dock as well as boat lifts necessary for fully loaded marine emergency rapid response vessels and safety equipment are prohibited and would effectively prohibit the type of vessels necessary for rapid response to marine emergencies; and

WHEREAS, the proposed location of the secured public safety docking facility on the Property is over 1,300 feet from the nearest private residential dock and is over 2,000 feet from the nearest residential dwelling and does not disrupt vistas and scenic opportunities as the docking facility encompasses 3,408 square feet of the approximately 30 acre Property; and

WHEREAS, the County shall bear all costs of the construction of the secure public safety docking facility; and

WHEREAS, entering into this Interlocal Agreement best serves the public interests of both the citizens of the County and the citizens of the City.

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 into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions and requirements of the attached interlocal agreement between the County and the City for construction of a secure public safety docking facility.

Section 3. The County Administrator, or designee, is hereby authorized to execute an interlocal agreement in substantially the same form and format as attached hereto on behalf of the County.

Section 4. To the extent that there are typographical or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the board of County Commissioners.

Section 5. This Resolution shall be effective upon its execution.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 19th day of July, 2016.

Attest: Hunter S. Conrad, Clerk

By:  
Deputy Clerk

ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS

By:  
Jeb S. Smith, Chair

RENDITION DATE 7/21/16
INTERLOCAL AGREEMENT
FOR SECURE PUBLIC SAFETY DOCKING FACILITY
BETWEEN ST. JOHNS COUNTY AND
CITY OF ST. AUGUSTINE

THIS INTERLOCAL AGREEMENT is entered into this ___ day of
________________, 2016, between ST. JOHNS COUNTY, a political subdivision of the State of
Florida, (the County) and the CITY OF ST. AUGUSTINE, a Florida municipal corporation (the
City).

RECITALS

WHEREAS, the Florida Interlocal Cooperation Act of 1969 authorizes local governments to
coop erate to provide services for mutual benefit and to make the most efficient use of their respective
powers by entering into an interlocal agreement to provide public services and facilities that will accord
best with geographic, economic, population, and other factors affecting the needs and development
of communities; and

WHEREAS, in accordance with section 163.01, F.S., the County and the City mutually seek
to enter into an interlocal agreement which sets forth their respective obligations, duties and
responsibilities concerning cooperative efforts to provide for rapid response vessels for emergency
marine services as described herein; and

WHEREAS, collectively there are 42 miles of Atlantic coastline, the St. Augustine, Matanzas,
and Vilano Inlet, and the Intracoastal Waterway within the jurisdictions of the County and the City;
and

WHEREAS, the County’s Fire Rescue Department (SJCFR), the St. Johns County Sheriff’s
Office (SJCSO), and the Florida Fish and Wildlife Commission (FWC) provide services within the
waterways under the jurisdiction of more than one local government,including the County and the
City; and

WHEREAS, pursuant to section 163.01(10), F.S., agencies entering into interlocal agreements
may receive grants-in-aid or other assistance funds from the United States Government or this state
for use in carrying out the purposes of the interlocal agreement; and

WHEREAS, the County applied for, and is the recipient of grant funds to provide a secured
public safety docking facility to house and secure equipment and services, including three rapid
response vessels and associated safety and emergency response equipment for the above entities
(SJCFR, SJCSO, and FWC) capable of security, fire suppression, rescue, recovery, and All Hazards
Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) responses necessary for the
public health, safety, and welfare; and

WHEREAS, the grant application identified the publically-owned Property located on 101
Vilano Causeway, more specifically described in Exhibit A (the Property), attached hereto and
incorporated herein, as the most suitable and beneficial location for construction of a secured public
safety dock facility based upon reduced response time, efficiency, access to major waterways of the
Vilano Inlet, Intracoastal Waterway, the Northeast Florida Regional Airport, the Atlantic Ocean and the St. Augustine Port, access to major roadways, security, and protection; and

WHEREAS, it has been determined that no other location provides such benefit for rapid response marine emergencies and that no other location is suitable for providing a secured public access docking facility that meets the requirements for ease of access to waterways and highways, as well as security for public safety equipment and vessels; and

WHEREAS, the Property is within the City’s jurisdictional limits, and has a future land use classification of Recreation/Open Space, is zoned Government Use, is within Conservation Overlay Zone 1, and is currently used as the Vilano Boat Ramp park, a publically accessible boat ramp with other water-based and dependent uses; and

WHEREAS, the purpose of this Interlocal Agreement is to provide for a secure public safety docking facility housing up to three (3) rapid response marine emergency vessels and associated equipment located on County-owned property within the jurisdictional limits of the City; and

WHEREAS, absent this Interlocal Agreement for the mutual and joint exercise of powers as stated above, the strict reading of the development standards in Section 11-29(c)(17) of City of St. Augustine City Code (Code) would not permit a secure public safety docking facility as roofed structures and walls constructed on any dock as well as boat lifts necessary for fully loaded marine emergency rapid response vessels and safety equipment are prohibited and would effectively prohibit the type of vessels necessary for rapid response to marine emergencies; and

WHEREAS, the proposed location of the secured public safety docking facility on the Property is over 1,300 feet from the nearest private residential dock and is over 2,000 feet from the nearest residential dwelling and does not disrupt vistas and scenic opportunities as the docking facility encompasses 3,408 square feet of the approximately 30 acre Property; and

WHEREAS, the County shall bear all costs of the construction of the secure public safety docking facility; and

WHEREAS, entering into this Interlocal Agreement best serves the public interests of both the citizens of the County and the citizens of the City.

NOW THEREFORE, in consideration of the mutual covenants and agreements, the sufficiency of which is mutually acknowledged, it is agreed:

1. Authority.

   This agreement is entered into pursuant to the Florida Interlocal Cooperation Act (Section 163.01, Florida Statutes), and pursuant to the constitutional and statutory powers of the County and the City.

2. Effect of Recitals.

   The above recitals are incorporated into this agreement and are adopted as findings of fact.
3. **City Obligations.**

   a. The City hereby agrees to permit and approve the County to use portions of the publically-owned Property on 101 Vilano Causeway solely for the purposes designated above, specifically for construction, maintenance and operation of a secure public safety docking facility and associated boat lifts of up to 16,000 lbs housing up to three (3) rapid response marine emergency vessels and associated safety equipment located on County-owned property and City-Owned submerged lands within the jurisdictional limits City of St. Augustine. The use permitted by this Agreement is specifically described and shall not be assignable to any other party.

4. **County Obligations.**

   a. The County may construct the secure public safety docking facility, as depicted on attached Exhibit B, for the housing of up to three rapid response vessels operated by SJCFR, SJCSO, and FWC, and associated equipment.

   b. County shall be responsible for securing and maintaining all other permits and approvals for the construction of the secure public safety docking facility.

   c. County shall be responsible for costs of initial construction, and the operation, and maintenance of the secure public safety docking facility depicted on Exhibit B, which may include securing grants necessary for the purposes of this Agreement. This does not preclude other entities from contributing or joining the County in obtaining other future Federal or State grants or approvals or from contributing to the expansion, operation, and maintenance of the secure public safety docking facility.

   d. The secure public safety docking facility will not be subject to private or commercial activities, nor such shall activities be permitted from the facility.

5. **Miscellaneous Provisions.**

   a. This Agreement shall become effective when an executed copy is filed with the St. Johns County Clerk of Court and shall continue in effect until terminated by mutual written consent of the County and the City.

   b. If any part of this Agreement, or the application thereof, is declared void, unconstitutional, or invalid for any reason, such part or application shall be severable, and the remainder of this agreement, and all applications thereof, shall remain in effect.

   c. Except as provided in this Agreement, both the County and the City agree to comply with all applicable federal, state, and local laws, rules, regulations, orders, and policies in their performance under this agreement.

   d. Any amendment to this Agreement shall be in writing and shall be executed by the authorized representatives of both parties.
c. The St. Johns County Fire Chief, or respective designee, shall be responsible for administering this agreement.

d. Each party agrees to provide any documentation requested by the other party in connection with performing services under this agreement, subject to any confidentiality requirement under state or federal law. Release of records to third parties shall be subject to the requirements of Florida’s public records law.

g. The failure of either party to insist on strict compliance with any provision of this agreement shall not be construed as a waiver of such provision on any subsequent occasion.

h. During the performance of this agreement, the parties agree to abide by the requirements of Executive Order 11246 and will not discriminate against any person because of race, color, religion, sex, or national origin.

IN WITNESS WHEREOF the parties have caused this agreement to be executed by their duly authorized officials on the dates set forth below.

CITY OF ST. AUGUSTINE

________________________________________
John Regan, City Manager

ATTEST:

By:______________________________________

Approved as to Form and Legal Sufficiency:

________________________________________
Isabelle C. Lopez, City Attorney

ST. JOHNS COUNTY

County Administrator

________________________________________

ATTEST: Hunter S. Conrad

By:______________________________________

Deputy Clerk

Approved as to Form and Legal Sufficiency:

________________________________________
Assistant County Attorney
EXHIBIT "A"
Property Description

Commence at a concrete monument at the Northeast corner of Section 8, Township 7 South, Range 30 East; thence S 89°28' W along the Section line 890.92 feet to a concrete monument on the East Shore of North River; thence continue S 89°28' W 3,482 feet to a concrete monument on said Section line on the West side of North River, said concrete monument being 817.61 feet Easterly of an iron pipe marking the Northwest corner of said Section 8; thence S 4°57' E 1,258.4 feet to a point on the centerline of State Road No. A-1-A designated as Station 51+00 on the State Road Right-of-Way Map; thence S 41°29' E 100.00 feet to a concrete monument on the Easterly Right-of-Way of said State Road for the point of beginning; thence continue S 41°29' E 1,628.8 feet to a concrete monument on the Shore line of North River; thence South-westerly along shore line 845 feet more or less to a concrete monument; thence S 41°29' W 1,371.6 feet; thence N 48°31' E 200 feet; thence N 41°29' W 500 feet to the East Right-of-Way line of State Road No. A-1-A; thence N 48°31' E along said Right-of-Way 600.0 feet to the point of beginning.
PUBLIC SAFETY DOCKING FACILITY DESIGN BUILD SERVICES
ST. JOHNS COUNTY, FLORIDA
PRELIMINARY DRAWINGS
EXHIBIT B

LOCATION MAP

JUNE 14, 2016