

RESOLUTION NO. 2022 - 84

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO APPROVE THE USE OF UNUSED ROAD IMPACT FEE CREDITS FROM THE FOUNTAINS SOUTH PUD TO THE FOUNTAINS NORTH PUD AND THE FOUNTAINS EAST PUD.

WHEREAS, pursuant § 163.31801, Fla. Stat. (2021), the COUNTY imposes impact fees to ensure that new development bears a proportionate share of the cost of roads, parks, schools and public capital facilities necessary to serve the new development; and

WHEREAS, § 163.31801(10), Fla. Stat. (2021) allows for the transfer of unused impact fee credits to other developments under certain conditions; and

WHEREAS, the COUNTY and the developer of the Fountains South PUD (DEVELOPER) entered into that certain Amended Concurrency and Impact Fee Agreement (Agreement) on July 10, 2019 and recorded in Book 4759, Page 521 of the Official Records of St. Johns County, Florida; and

WHEREAS, Section 4.5 of the Agreement allows for the assignment of unused road impact fee credits, subject to the approval of the COUNTY; and

WHEREAS, Section 13 of the Road Impact Fee Ordinance 87-57 provides that impact fee credits cannot be transferred without approval of the COUNTY; and

WHEREAS, the DEVELOPER has requested to use any portion of the unused road impact fee credits for the Fountains North PUD and/or the Fountains East PUD. At this time there is currently \$573,101 of unused road impact fee credits; and

WHEREAS, the Fountains South PUD, the Fountains North PUD, and the Fountains East PUD are connected, share access points and are located in Impact Fee District 2; and

WHEREAS, as a condition of the proposed transfer, the DEVELOPER is required to provide the County a copy of the instrument selling, transferring, assigning or granting the above-described allocation of Road Impact Fee Credits; and

WHEREAS, transferred credits may only be applied to road impact fees due and may not be used to satisfy concurrency mitigation, if required; and

WHEREAS, the COUNTY agrees that the requested transfer meets the requirements of the Agreement and Florida law and will complete the transfer upon receipt of the instrument conveying the credits.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT:

1. The above recitals are hereby adopted as findings of fact.
2. The County Administrator, or designee, is hereby authorized to approve the transfer of unused impact fee credits as described above.
3. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of Board of County Commissioners of St. Johns County, Florida this 15th day of March, 2022.

ATTEST: Brandon J. Patty, Clerk of BOARD OF COUNTY COMMISSIONERS
the Circuit Court & OF ST. JOHNS COUNTY, FLORIDA
Comptroller

By: Sam Halterman
Deputy Clerk

By: Henry Dean
Henry Dean, Chair

Rendition Date: 3/17/22

Effective Date: 3/17/22

