

RESOLUTION NO. 2022 - 86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO APPROVE THE TRANSFER OF UNUSED ROAD IMPACT FEE CREDITS FROM THE TREATY GROUND PUD TO THE ENTRADA 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 Treaty Ground PUD (DEVELOPER) entered into that certain Agreement (Agreement) on August 11, 1987 in conjunction with the original approval of the PUD (Ordinance 87-37) and recorded in Ordinance Book 8, Page 223 of the Official Records of St. Johns County, Florida; and

WHEREAS, said Agreement did not address assignment of unused road impact fee credits by the Developer; however, 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 transfer \$966,730 in unused road impact fee credits to the Entrada PUD; and

WHEREAS, the Treaty Ground PUD and the Entrada PUD are both located in Impact Fee District 3, 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 Road Impact Fee Ordinance, 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: *Pam Salter*
Deputy Clerk

By: *Henry Dean*
Henry Dean, Chair

Rendition Date: 3/17/22

Effective Date: 3/17/22

