

RESOLUTION NO. 2023 - 105

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 WINGFIELD GLEN PUD TO THE BROUDY'S WITHIN THE BARTRAM WALK WEST 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 Wingfield Glen PUD (DEVELOPER) entered into that certain Agreement (Agreement) on October 12, 1999 in conjunction with the original approval of the PUD (Ordinance 1999-01; Ordinance 2002-51) and recorded in Ordinance Book 1451, Page 561 of the Official Records of St. Johns County, Florida; and

WHEREAS, Section 9.f 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 transfer \$48,143.93 in unused road impact fee credits to the Broudy's Bartram Walk West (COMM 2022-20) project within the Bartram Walk West PUD; and

WHEREAS, the Wingfield Glen PUD and the Bartram Walk West PUD are both located in Impact Fee District 1, 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 4th day of April 2023.

ATTEST: Brandon J. Patty, Clerk
Clerk of the Circuit Court & Comptroller

BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

By: Crystal Smith
Deputy Clerk

By: [Signature]
Christian Whitehurst, Chair

Rendition Date: APR 04 2023

Effective Date: APR 04 2023

