

RESOLUTION NO. 2023 - 232

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 PARK IMPACT FEE CREDITS FROM THE MARSHALL CREEK PUD TO THE BRIDGEWATER 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, the developer of the Marshall Creek PUD (DEVELOPER) and the Marshall Creek CDD (CDD) entered into that certain Impact Fee Credit Agreement (Agreement) on October 27, 2005 and recorded in Ordinance Book 2592, Page 1942 of the Official Records of St. Johns County, Florida; and

WHEREAS, Section 6 of the Agreement allows for the assignment of unused park impact fee credits, subject to the approval of the COUNTY; and

WHEREAS, Section 13 of the Park Impact Fee Ordinance 87-58 provides that impact fee credits cannot be transferred without approval of the COUNTY; and

WHEREAS, the DEVELOPER and CDD have requested to transfer \$292,240.00 in unused park impact fee credits to the Bridgewater PUD; and

WHEREAS, the Marshall Creek PUD and the Bridgewater PUD are both located in Impact Fee District 2, and

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

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

WHEREAS, the COUNTY agrees that the requested transfer meets the requirements of the Park 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 18th day of July 2023.

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

By: Crystal Smith
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Christian Whitehurst
Christian Whitehurst, Chair

Rendition Date: JUL 19 2023

Effective Date: JUL 18 2023

