

RESOLUTION NO. 2024 - 112

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 TWIN CREEKS DRI TO BROOKSIDE PRESERVE 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 Twin Creeks DRI (DEVELOPER) entered into that certain Impact Fee Agreement (Agreement) on November 16, 2015 recorded in Book 4112, Page 178 of the Official Records of St. Johns County, Florida; consistent with the Twin Creeks DRI Development Order (Resolution 2015-240), as amended; and

WHEREAS, Section 4 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 \$109,450 in unused road impact fee credits to the Brookside Preserve PUD; and

WHEREAS, the Twin Creeks DRI is located in Impact Fee District 2, which is adjoining Impact Fee District 1 where the Brookside Preserve PUD is located; and

WHEREAS, the road improvements which generated the impact fee credits awarded to the Twin Creeks DRI is located within four (4) miles of the Brookside Preserve PUD and provides a benefit to the Brookside Preserve PUD; 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 19th day of March, 2024.

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

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Crystal Smith
Deputy Clerk

By: [Signature]
Sarah Arnold, Chair

Rendition Date: MAR 19 2024

Effective Date: MAR 19 2024

