

RESOLUTION 89-30

WHEREAS, the Board of County Commissioners of St. Johns County, Florida enacted Resolution No. 89-28 on January 24, 1989, which constituted its instructions to the County Administration that no permits be granted for structures that would not comply with St. Johns County Ordinance No. 89-4 (pertaining to height of structures within the coastal area of St. Johns County Florida) and

WHEREAS, at the time of the passage of the resolution and the ordinance, BellSouth Mobility, Inc., had pending within the appropriate departments and offices of the Administration of St. Johns County, Florida, an application for a building permit, with an approved St. Johns County Zoning Clearance Sheet, which it had expected to receive through normal processing, and

WHEREAS, through confusion and inadvertence, not directly attributable to said BellSouth Mobility, statements about when the permit would be processed and when the permit would be issued were made, and in reliance on those statements, said BellSouth may have expended substantial monies in anticipation of receiving said permit prior to January 24, 1989, and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida has determined that it is in the public interest and not contrary to the welfare of the citizens of this County that said permit be granted and that said county and its citizens will receive direct and indirect benefits resulting from the issuance of said permit, and

WHEREAS, no assurances can be provided to said County that in potential litigation flowing from these facts and circumstances surrounding the application, processing and denial of said permit, the position of the county would prevail and that in fact, benefits will flow to said County and its citizens as a result of issuing the permit,

NOW THEREFORE, BE IT RESOLVED, this 7th day of February, 1989 by the Board of County Commissioners of St. Johns County, Florida that the County Administration is instructed to grant the building permit (provided the application and related documents otherwise comply with applicable law) requested by BellSouth Mobility notwithstanding any contrary terms or conditions of Resolution No. 89-28 and Ordinance No. 89-4, it being recognized that uncertainty and doubt may exist with respect to the propriety of the denial of the applicant's request for said permit.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Mary Waldron*
Chairman

ATTEST: Carl "Bud" Markel, Clerk
by: *Connie E. McDaniel*
Deputy Clerk

