

RESOLUTION NO. 94-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND ATLANTIC GULF COMMUNITIES CORPORATION AND A PROPOSED INTERLOCAL AGREEMENT BETWEEN THE COMMISSION AND THE JULINGTON CREEK PLANTATION COMMUNITY DEVELOPMENT DISTRICT, BOTH IN REGARDS TO SAID DISTRICT NOT LEVYING TAXES OR SPECIAL ASSESSMENTS ON COUNTY PROPERTY IN THE DISTRICT.

WHEREAS, the St. Johns County Board of County Commission (the "Commission") supported the creation of the Julington Creek Plantation Community Development District (the "District"), in part, based on the understanding that the County property within the District would not be subject to District taxation or special assessments; and

WHEREAS, the proposed agreement between the Commission and Atlantic Gulf Communities Corporation ("Atlantic Gulf"), attached hereto and incorporated herein by reference provides that Atlantic Gulf shall request that the District enter into an Interlocal Agreement with the Commission providing that land owned by the County, or beneficially owned by the County for government purposes, in the District, shall not be subjected to District tax levies or special assessments; and

WHEREAS, a draft of the proposed Interlocal Agreement with the District is incorporated into the attached agreement between Atlantic Gulf and the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. The Chairman of the Board of County Commissioners is authorized to execute for the Commission an Agreement with Atlantic Gulf Communities Corporation in substantially the form of that attached hereto (that Agreement having attached and incorporated therein a proposed Interlocal Agreement between the Commission and the Julington Creek Plantation Community Development District).

PASSED AND ADOPTED this 26th day of July, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Janice Smith  
Deputy Clerk

AN AGREEMENT  
TO LIMIT THE LEVY OF ALL TAXES  
AND/OR NON AD VALOREM SPECIAL ASSESSMENTS  
BY THE PROPOSED JULINGTON CREEK PLANTATION  
COMMUNITY DEVELOPMENT DISTRICT AGAINST  
LANDS OWNED FROM TIME TO TIME BY ST. JOHNS COUNTY  
WITHIN THE BOUNDARIES OF THE SAID DISTRICT

This AGREEMENT is entered into this \_\_\_\_ day of July, 1994, by and among Atlantic Gulf Communities Corp. ("Petitioner") and Board of County Commissioners of St. Johns County, Florida ("Board").

RECITALS:

A. On the 2nd day of March, 1994, Petitioner petitioned the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission to establish the proposed Julington Creek Plantation Community Development District ("District"); and

B. The Board reviewed the petition and on the 12th day of April, 1994, conducted the optional hearing authorized under Section 190.005(1)(c), Florida Statutes, which hearing was continued with the consent of Atlantic Gulf until April 26, and adopted at that hearing, a resolution supporting establishment of the proposed District and subsequently the Board authorized staff to participate in the hearing before the state hearing officer pursuant to Section 190.005(1)(d), Florida Statutes, putting into the record of that hearing, the resolution of the County supporting establishment of the proposed District; and

C. St. Johns County owns and from time to time, may continue to own, real property within the external boundaries of the proposed District; and

D. The District, once established, shall have the power pursuant to its charter (Sections 190.006 - 190.041, Florida Statutes) to levy on real property within the external boundaries of the District, property taxes and/or non ad valorem special assessments by various names; and

E. The parties have agreed that it is in the public interest and in the interest of the citizens and taxpayers of St. Johns County and in the interest of the parties to this Agreement, that none of the real property owned, or beneficially owned for governmental or public purposes, by St. Johns County within the external boundaries of the District shall have levied by the District against said real property, any ad valorem taxes or non ad valorem special assessments by any name.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the Board and Petitioner do hereby covenant and agree as follows:

I. Definitions.

a. Ad Valorem Taxes.

This term shall mean those taxes defined in s. 192.001(1), Florida Statutes, authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

b. Non Ad Valorem Special Assessments.

This term shall mean those assessments authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes. The parties intend that this includes "benefit special assessments", "maintenance special assessments", "special assessments", "assessments", and "non ad valorem assessments". The term does not include rates, fees, or charges.

II. Duty of the Petitioner to ask the Board of Supervisors of the District, once established, to agree to exempt real estate owned or beneficially owned for governmental or public purposes by the County within the boundaries of the proposed District from District levied ad valorem taxes and/or non ad valorem special assessments by whatever name.

Petitioner shall agree to request, and exert all efforts to cause, the Board of Supervisors of the proposed Julington Creek Plantation Community Development District, once established, to agenda and approve, no later than 90 days from the effective date of the rule establishing the proposed District, an interlocal agreement with the Board of County Commissioners of St. Johns County pursuant to Section 190.011(12), Florida Statutes, pursuant to which the District Board of Supervisors shall contract expressly with the County Board that at any given time real property owned, or beneficially owned for governmental or public purposes, by the County within the external boundaries of the proposed Julington Creek Plantation Community Development District shall be exempt from all ad valorem taxes and/or non ad valorem special assessments, by whatever name, levied by the Board of Supervisors of the District.

III. Wording of the interlocal governmental agreement.

Petitioner agrees to present to the Board of Supervisors of the Proposed Julington Creek Plantation Community Development District, within the timeframes set forth in Section II above, the draft of the interlocal agreement to be entered into by the County Board and the District Board of Supervisors regarding the exemption from ad valorem taxes and non ad valorem special assessments, by whatever name, of real property owned, or beneficially owned for

governmental or public purposes, at any time by the County within the boundaries of the proposed District, which draft is attached hereto as Exhibit A. The parties hereto expressly confirm and approve the wording of this agreement and intend that it be the wording of the interlocal agreement entered into with the Board of Supervisors of the District once established.

IN WITNESS WHEREOF, the Board and Petitioner have caused this Agreement to be executed by their duly authorized representatives as of this \_\_\_ day of July, 1994.

ATLANTIC GULF COMMUNITIES CORP.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

\_\_\_\_\_  
Witness

Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of July, 1994, by \_\_\_\_\_, the \_\_\_\_\_ of Atlantic Gulf Communities Corporation. He is personally known to me or has produced \_\_\_\_\_ as identification and did/did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
at Large

Name: \_\_\_\_\_

My commission expires:  
\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: \_\_\_\_\_  
Clerk

EXHIBIT A

AN AGREEMENT  
LIMITING THE LEVY OF ALL TAXES  
AND/OR NON AD VALOREM SPECIAL ASSESSMENTS  
BY THE JULINGTON CREEK PLANTATION  
COMMUNITY DEVELOPMENT DISTRICT AGAINST  
LANDS OWNED AT ANY TIME BY ST. JOHNS COUNTY WITHIN  
THE BOUNDARIES OF THE SAID DISTRICT

This AGREEMENT is entered into this \_\_\_ day of \_\_\_\_\_, 1994, by and among Board of Supervisors of the Julington Creek Plantation Community Development District ("District" or "District Board") and the Board of County Commissioners of St. Johns County, Florida ("County Board").

RECITALS:

A. On the 26th day of July, 1994, the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission established the Julington Creek Plantation Community Development District; and

B. St. Johns County owns and from time to time, may continue to own, or beneficially own for governmental or public purposes, real property within the external boundaries of the District; and

C. The District has the power pursuant to its charter (Sections 190.006 - 190.041, Florida Statutes) to levy on real property within the external boundaries of the District, ad valorem taxes and/or non ad valorem special assessments by various names; and

D. The parties have agreed that it is in the public interest and in the interest of the citizens and taxpayers of both St. Johns County and the District and in the interest of the parties to this Agreement, that none of the real property owned, or beneficially owned for governmental or public purposes, by St. Johns County within the external boundaries of the District, shall at any time have levied by the District against said real property, any ad valorem taxes or non ad valorem special assessments by any name.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the District Board and the County Board do hereby covenant and agree as follows:

I. Definitions.

a. Ad Valorem Taxes.

This term shall mean those taxes defined in s. 192.001(1), Florida Statutes, authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

b. Non Ad Valorem Special Assessments.

This term shall mean those special assessment levies authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes. The parties intend that this include "benefit special assessments", "maintenance special assessments", "special assessments", "assessments", and "non ad valorem assessments". This term does not include any rates, fees or charges authorized to be levied by a community development district pursuant to Chapter 190, Florida Statutes.

II. Requirement by the District Board to exempt County owned real property within the boundaries of the District from District levied ad valorem taxes and/or non ad valorem special assessments by whatever name at any time as provided by Florida law.

a. The District Board hereby agrees to exempt any and all real property owned, or beneficially owned for governmental or public purposes, by the County within the boundaries of the District from ad valorem taxes and non ad valorem special assessments levied from time to time by the District Board as provided by Florida law.

b. Nothing herein shall prevent the District Board from levying any taxes or assessments on any interest in real property transferred from the County to a non-governmental third party.

IN WITNESS WHEREOF, the Board and District have caused this Agreement to be executed by their duly authorized representatives as of this \_\_\_\_ day of \_\_\_\_\_, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: \_\_\_\_\_  
Clerk

JULINGTON CREEK PLANTATION  
COMMUNITY DEVELOPMENT DISTRICT

ATTEST:

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Its Chair