

RESOLUTION 99- 43

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE BEACH PERTAINING TO THE COLLECTION OF COUNTY IMPACT FEES WITHIN THE CITY.

WHEREAS, the City of St. Augustine Beach has requested the County to enter into and execute the attached amendment to the interlocal agreement between the City and the County dated May 2, 1988 pertaining to the collection of County impact fees within the City; and

WHEREAS, the City's services to the County under the interlocal agreement are beneficial to the County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The Chairman of the Board of County Commissioners of St. Johns County and the Clerk of the Circuit Court are hereby authorized and directed to sign the amendment.

Section 2. The County Administrator is directed to file a duplicate original of the signed amendment with the Clerk of Courts.

Section 3. In consideration for the City's services under the Interlocal Agreement the County Administrator is directed to use County general revenue funds to pay the unpaid impact fees described in the amendment that pertain to City Owned Buildings and Improvements hereafter constructed within the City.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 9 day of March, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeBlonde
Deputy Clerk

AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN ST. JOHNS COUNTY, FLORIDA
and
THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

THIS AGREEMENT made and entered into as of the 12 day of March, 1999, by and between ST. JOHNS COUNT, FLORIDA a political subdivision of the State of Florida, ("County") and the City of St. Augustine Beach, Florida, ("City").

Witnesseth:

1. Recitals. The following recitals are true:

A. HERETOFORE on May 2, 1988, the County and the City entered into an Interlocal Agreement pursuant to the Florida Interlocal Agreement cooperation Act of 1969, Florida Statute Section 163.01 et. seq., relating to the collection of impact fees pursuant to certain Ordinances as describes in the Interlocal Agreement. As used herein the item "Ordinances" shall have the same meaning as contained in the Interlocal Agreement.

B. The County and City desire to amend the Interlocal Agreement. It is the finding of the County acting through its Board of County Commissioners and the City acting through its City Commission that the amendments as set forth in this Amendment are in the interest of the public health, safety and welfare.

2. The second "Whereas" Clause of the Interlocal Agreement be,

and the same is, amended to read:

"WHEREAS, the CITY has elected to come within the jurisdiction of the ORDINANCES except as the same may pertain to City Owned Buildings and Improvements. As used herein the term 'City Owned Building and Improvements' shall mean buildings and the structures owned by the City and used by it for a public purpose. The term shall not apply to buildings and structures owned by the City but utilized by it for a private purpose within the intent and meaning of the Constitution of the State of Florida."

3. Section 3(b) of the Interlocal Agreement be, and the same is, amended to read:

"3 The CITY shall:

* * * *

(b) Collect the impact fees described in the ORDINANCES that pertain to improvements within the within the City, other than CITY OWNED BUILDINGS and IMPROVEMENTS, it being the intent of this Interlocal Agreement that the CITY Shall not be obligated to collect or pay impact fees on City owned Buildings and Improvements, provided, however, that in the event and CITY owned Buildings and Improvements shall be converted to private use other than by non-profit organizations, the CITY shall cause such impact fees to be collected for such buildings."

4. This Amendment shall take effect as of April 1, 1999.

5. The County shall cause a duplicate original of this Amendment to be filed with the Clerk of the circuit Court of St. Johns County as required by law.

6. Except as herein amended the Interlocal Agreement, as amended, shall remain in full force and effect until terminated as provided therein.

IN WITNESS WHEREOF the parties have caused the execution hereof by their duly authorized officials on the dates stated below:

ATTEST: Cheryl Stickland
Clerk of the Circuit Court
as ex officio Secretary to the
Board of County Commissioners.

St. Johns County, Florida
By: Max A. Jopalone
Chairman of the Board of
County Commissioners
Dated: 03-12-99 1999

ATTEST: [Signature]
City Manager

City of St. Augustine Beach,
Florida
By: Emmett W. Pecutti
Mayor-Commissioner
Dated: February 1, 1999