

MINUTES 10 1/2 ★

10 pag

R E S O L U T I O N
NUMBER 92 - 255

A RESOLUTION APPROVING THE RECORD KEEPING PROCEDURE BY WHICH ROAD IMPACT FEE CREDITS MAY BE ASSIGNED TO ANY TRACT, LOT OR PARCEL OR TO ANY DEVELOPER, PURCHASER OR LESSEE WITHIN THE AREA LOCATED NORTH OF THE PEACE RIVER AND EAST OF THE MYAKKA RIVER IN CHARLOTTE COUNTY PURSUANT TO RESOLUTION NO. 91-274.

RECITALS

1. By Resolution No. 91-274, the Board of County Commissioners recognized The Edward J. Debartolo Corporation (hereinafter "Debartolo") was eligible for a credit for contribution, construction, expansion or acquisition of public facilities over and above the proportional share outlined by the Incremental Development Order for Increment II of the Murdock Center Development of Regional Impact, hereinafter the "IDO".

2. The Board of County Commissioners approved the amount of credit for Debartolo in the amount of \$1,454,881.71.

3. Pursuant to said resolution, Debartolo was authorized to assign up to 25% of its credits to any tract, lot or parcel or to any developer, purchaser or lessee within the area located north of the Peace River and east of the Myakka River so long as the applicant notified the County in writing of any assignment so made and so long as each such assignment exceeded the sum of \$20,000.00. Said resolution further provided, after a meeting between Debartolo, the Assistant County Administrator, the Public Works Director and the Clerk of the Circuit Court or their designee that a record keeping procedure by which the credits or

reimbursements may be assigned be submitted to the Board of County

Commissioners for approval.

NOW THEREFORE, BE IT RESOLVED by the Board of County

Commissioners of Charlotte County, Florida.

4. The Edward J. Debartolo Corporation is entitled to

assign up to an aggregate amount of \$1,454,881.71 in road impact fee credits. Credits shall be denominated in monetary amounts and may be assigned to any property north of the Peace River and east of the Myakka River in Charlotte County in any amount. To date credits totalling \$130,905.30 have been assigned leaving a balance of \$1,323,976.41 to be assigned as per this resolution. Assignment of credits in monetary amounts provides no guarantee of the sufficiency of any amount to meet future impact fee requirements.

5. Assignment of credits to end users shall be

substantially in the format as the Assignment of Credits for Charlotte County Road Impact Fees document attached hereto as Exhibit "A". Upon issuance of any credit, the Edward J. Debartolo Corporation shall notify the Clerk of the Court by letter substantially conforming to the sample letter attached hereto as Exhibit "B".

6. Debartolo is entitled to assign certain credits to

non-end users by means of coupons in substantial conformity with the coupon attached hereto as Exhibit "C". Debartolo shall request the issuance of blocks of coupons from the Clerk of the Court by use of the form substantially conforming to the sample attached hereto as Exhibit "D". The Chairman of

the Board of County Commissioners is hereby authorized to sign the coupons upon a request for issuance of same.

7. Debatolo shall be responsible for the printing of the coupons. Upon issuance of the coupons by the clerk's office bearing the signature of the chairman of the Board of County Commissioners and attestation by the clerk of the court, said coupons may be issued by Debatolo without notice to the county and thereafter traded freely on the open market. The initial coupons may be issued in an amount which represents the current road impact fee portion of the impact fee for single-family homes. Issuance of coupons in amounts equal to the current road impact fee portion of the impact fee for single family homes does not guarantee the sufficiency of that amount to satisfy future impact fee requirements should they increase. Should this amount of the road portion of impact fees be increased or decreased, future coupons may be issued in said new amount without further action of this Board.

8. Charlotte County shall not be held responsible for lost or stolen coupons after issuance. Notwithstanding the foregoing, if Debatolo notifies the County of coupons which have been destroyed, the County shall issue new coupons in an amount equal to the amount of coupons destroyed upon proper evidence of such destruction.

9. In no event shall the holder of an assignment or coupon be entitled to a cash refund or credit should the impact fee due be less than the face amount of the assignment or coupon.

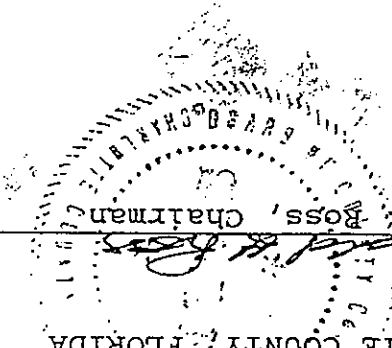
10. Nothing herein shall limit Debartolo's rights under

the IDO.

PASSED AND DULY ADOPTED this 3rd day of November, 1992.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Donald H. Ross
Donald H. Ross, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners
By Jinda Angelo
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Beth A. Sullivan
Beth A. Sullivan
Assistant County Attorney

ec:res\debartolo/102892

ASSIGNMENT OF CREDITS FOR
CHARLOTTE COUNTY ROAD IMPACT FEES
ASSIGNMENT NUMBER :

THIS IS AN ASSIGNMENT of road impact fee credits by The Edward J. Debartolo Corporation to

authorities for this Assignment are Resolution 91-274 of the Board of County Commissioners of Charlotte County, Florida, a copy of which is recorded in Official Records Book 1184, Page 975 of the Public Records of Charlotte County, Florida and Resolution 92- of the Board of County Commissioners of Charlotte County, Florida, a copy of which is recorded in Official Records Book , Page of the Public Records of Charlotte County, Florida. The Edward J. Debartolo Corporation is authorized to assign road impact fee credits to any developer, purchaser or lessee within the area located north of the Peace River and east of the Myakka River. is a developer of property within Charlotte County, Florida in Section , Township , Range located at , which is within the area so designated in said Resolution.

NOW THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration in hand paid by to The Edward J. Debartolo Corporation, the said Edward J. Debartolo Corporation does hereby assign, transfer, convey and relinquish to its entitlement, right and interest to road impact fee credits with Charlotte County in the amount of

IN WITNESS WHEREOF we have set our hands and seals this day of , 199-.

THE EDWARD J. DEBARTOLO CORPORATION

By: Name: _____
Title: _____

Witness Name: _____

Witness Name: _____

NO CASH VALUE

State of Ohio
County of Mahoning

The foregoing instrument was acknowledged before me this _____ day of _____, 199-, by _____ of The Edward J. DeBartolo Corporation, an Ohio corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and did (did not) take and oath.

Notary Public

Printed Name

Commission Expiration/Serial Number

ACCEPTANCE OF ASSIGNMENT

_____ hereby accepts the assignment of credits set forth in the Assignment from The Edward J. DeBartolo.

By:

Name: _____

Title: _____

couponed.cre

Pt. Charlotte

September 16, 1992

William Noble, Finance Director
Office of the Clerk of the Circuit Court
1850 Murdock Circle
Port Charlotte, Florida 33948

RE: The Edward J. DeBartolo Corporation
Impact Fee Credit Assignment

Dear Mr. Noble:

Pursuant to Resolution 92- , this letter will serve as written notification to the County of an assignment of an impact fee credit in accordance with Paragraph 5 of said resolution. The Edward J. DeBartolo Corporation has assigned road impact fee credits to . This assignment is consistent with the resolution as the property to receive the credit is located north of the Peace River and east of the Myakka River within Charlotte County, Florida.

Attached hereto is a copy of Assignment Number _____ in the amount of \$ _____. The credit remaining after this assignment is \$ _____.

Very Truly Yours,

The Edward J. DeBartolo Corporation

RHB/cg
Attachment
cc Jeff DeBoer, Building Department Director
assign.ltr

CHARLOTTE COUNTY, FLORIDA / DEBARTOLO CORP

ROAD IMPACT FEE CREDIT COUPON

This coupon entitles bearer to a Road Impact Fee Credit of one thousand two hundred fifty six and no/100 dollars (\$1,256.00) to any property in Charlotte County, Florida located north of the Peace River and east of the Myakka River. Presentation of this coupon to the Charlotte County Building Department shall constitute payment of \$1,256.00 towards the Road Impact portion of the Charlotte County Impact Fee as adopted pursuant to Ordinance 89-85. This coupon is issued pursuant to Resolution 92- which authorizes The Edward J. DeBartolo Corporation to issue same. This coupon is only valid when signed by the three parties below. Issuance of Coupons in the amount equal to the current road impact fee portion does not guarantee the sufficiency of that amount to satisfy future impact fee requirements should they increase.

BOARD OF COUNTY COMMISSIONERS
THE EDWARD J. DEBARTOLO CORP.
OF CHARLOTTE COUNTY, FLORIDA

By _____
Chairman

By _____
Chairman

ATTEST: BARBARA T. SCOTT, Clerk of the Circuit Court & Ex-Officio
to the Board of County Commissioners

By _____
Deputy Clerk

NO CASH VALUE

No.

ASSIGNMENT OF CREDITS FOR
CHARLOTTE COUNTY ROAD IMPACT FEES
COUPON REQUEST
ASSIGNMENT NUMBER: _____

THIS IS AN ASSIGNMENT of road impact fee credits by The Edward J. Debartolo Corporation to The Edward J. Debartolo Corporation in the form of coupons. The authorities for this Assignment are Resolution 91-274 of the Board of County Commissioners of Charlotte County, Florida, a copy of which is recorded in Official Records Book 1184, Page 975 of the Public Records of Charlotte County, Florida and Resolution 92-____ of the Board of County Commissioners of Charlotte County, Florida, a copy of which is recorded in Official Records Book _____, Page _____ of the Public Records of Charlotte County, Florida. The Edward J. Debartolo Corporation is authorized to request coupons for road impact fee credits to be assigned to any developer, purchaser or lessee within the area located north of the Peace River and east of the Myakka River.

The Edward J. Debartolo Corporation does hereby request the issuance of coupons number _____ to _____, each in the amount of \$1256.00 for an aggregate amount of \$_____.

IN WITNESS WHEREOF we have set our hands and seals this _____ day of _____, 199-.

THE EDWARD J. DEBARTOLO CORPORATION

By: _____
Name: _____
Title: _____
Witness Name: _____
Witness Name: _____

State of Ohio
County of Mahoning

The foregoing instrument was acknowledged before me this _____ day of _____, 199-, by _____ of The Edward J. DeBartolo Corporation, an Ohio corporation, on behalf of the corporation. He is personally known to me or has produced as identification and did (did not) take and oath.

Notary Public

Printed Name

Commission Expiration/Serial Number

ACCEPTANCE OF COUPONS

(To be signed upon receipt of coupons)

The Edward J. DeBartolo Corporation hereby accepts duly issued coupons numbered _____ to _____.

By:

Name:

Title:

coupons numbered