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RESOLUTION
NUMBER 2010 - 112

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE INCREMENT 1 DEVELOPMENT ORDER OF BABCOCK RANCH COMMUNITY AS APPROVED BY RESOLUTION NO. 2009-284; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, on December 13, 2007, the Board of County Commissioners of Charlotte County, Florida, passed and approved Resolution 2007-196, constituting the Master Development Order for a development known as Babcock Ranch Community; and

WHEREAS, the Master Development Order was amended by Charlotte County Resolution No. 2008-063 on June 17, 2008, and by Resolution No. 2009-283 on December 15, 2009; and

WHEREAS, the Increment 1 Development Order was approved by Charlotte County Resolution No. 2009-284 on December 15, 2009; and

WHEREAS, the Increment 1 Development Order contained, as Exhibit L, the binding and enforceable commitment by the Developer to undertake certain transportation improvements in the form of a letter from the Developer to the Florida Department of Transportation; and

WHEREAS, Babcock Property Holdings, LLC ("Developer") has now entered into an agreement with the Florida Department of Transportation to provide for said transportation improvements, said agreement titled "Babcock Ranch Community Increment 1 - Phase 1 Master Roadway Improvement

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3634, PGS 1424-1481 58 pg(s)
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Agreement” which is intended to replace the letter as Exhibit L to the Increment 1 Development Order; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, has considered the amendment requested by the Developer, and finds that, pursuant to Chapter 380.06(19), Florida Statutes, it does not constitute a substantial deviation.

WHEREAS, the Department of Community Affairs and the Southwest Florida Regional Planning Council have reviewed the amendment request and have determined that, pursuant to 380.06(19)(e)2.k, Florida Statutes, said request qualifies as an amendment that does not require the filing of a Notice of Proposed Change.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that Resolution No. 2009-284 be amended as follows:

1. The attached “Babcock Ranch Community Increment 1 – Phase 1 Master Roadway Improvement Agreement” is added to the Increment 1 Development Order as Exhibit L, replacing the original Exhibit L.
2. The amendment incorporated herein does not constitute a substantial deviation of the Increment 1 Development Order.
3. This Resolution shall become effective immediately upon its adoption.
4. County staff is hereby directed to forward a copy of this Resolution and its attachments to the Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and to the Executive Director,

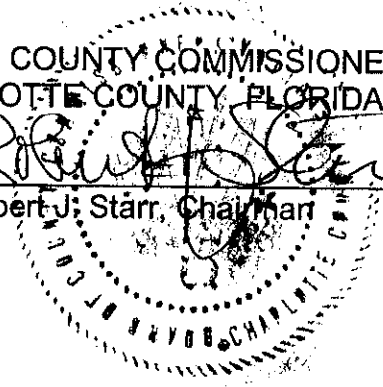
Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor,
North Fort Myers, FL 33918-3909.

PASSED AND DULY ADOPTED this 14th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 

Robert J. Starr, Chairman



ATTEST:

Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: 

Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 

Janette S. Knowlton, County Attorney