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RESOLUTION
NUMBER 2012-024

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE BUILDOUT DATES FOR THE DEVELOPMENT ORDERS OF RIVERWOOD DEVELOPMENT OF REGIONAL IMPACT (DRI), RIVERWOOD INCREMENT I DEVELOPMENT OF REGIONAL IMPACT (DRI), RIVERWOOD INCREMENT II DEVELOPMENT OF REGIONAL IMPACT (DRI), VICTORIA ESTATES DEVELOPEMENT OF REGIONAL IMPACT (DRI), SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI), TERN BAY DEVELOPMENT OF REGIONAL IMPACT (DRI), MURDOCK CENTER MASTER DEVELOPMENT OF REGIONAL IMPACT (DRI), MURDOCK CENTER INCREMENT IV DEVELOPMENT OF REGIONAL IMPACT (DRI), BABCOCK RANCH COMMUNITY MASTER DEVELOPMENT OF REGIONAL IMPACT (DRI), AND BABCOCK RANCH COMMUNITY DEVELOPMENT OF REGIONAL IMPACT (DRI) INCREMENT I ; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to Florida Statutes (F.S.), Section 380.06(19) (c)2, which states that "In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension"; and

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WHEREAS, the developers for all the DRIs referenced in the title of this resolution notified Charlotte County in writing before December 31, 2011; and

WHEREAS, on June 13, 2011, a State of Emergency (Executive Order 11-128) was declared due to concerns over wildfires. The State of Emergency was initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3rd. The State of Emergency terminated on November 3, 2011. Section 252.363, F.S., allows the developer of a development of regional impact ninety days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided by the Executive Order. For the wildfire emergency declarations, the deadline for this notification was February 1, 2012. The length of the tolling and the six month extension is 126 days and six months; and

WHEREAS, the Executive Orders referenced above are applied statewide. Therefore, the tolling for these orders would apply to all DRIs throughout the state including Charlotte County if the developer notifies the local government within the 90-day deadline; and

WHEREAS, the developers for Riverwood DRI, Riverwood Increment I DRI, Victoria Estates DRI, Sandhill DRI, Babcock Ranch Community Master DRI, and Babcock Ranch Community DRI Increment I, notified Charlotte County in writing before February 1, 2012; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida has considered the amendment requested by the Charlotte County Community Development Department and finds that, pursuant to Chapter 380.06(19) (c), F.S., it does not constitute a substantial deviation; and

WHEREAS, the amendment request qualifies as a 380.06(19) (c), F.S. 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 the following resolutions be amended as follows:

1. Resolution 2011-023, the buildout date of Riverwood Development of Regional Impact Master Development Order is extended to September 16, 2018.
2. Resolution 2011-023, the buildout date of Riverwood Increment I Development of Regional Impact Development Order is extended to November 11, 2016.
3. Resolution 2011-023, the buildout date of Riverwood Increment II Development of Regional Impact Development Order is extended to November 11, 2016.
4. Resolution 2009-238, the buildout date of Victoria Estates Development of Regional Impact Development Order is extended to April 5, 2018.
5. Resolution 2007-161, the buildout date of Sandhill Development of Regional Impact Development Order is extended to November 4, 2016.
6. Resolution 2011-023, the buildout date of Tern Bay Development of Regional Impact Development Order is extended to January 17, 2019.
7. Resolution 2011-023, the buildout date of Murdock Center Development of Regional Impact Master Development Order is extended to March 1, 2019.
8. Resolution 2009-167, the buildout date of Murdock Center Increment IV Development of Regional Impact Development Order is extended to March 1, 2019.

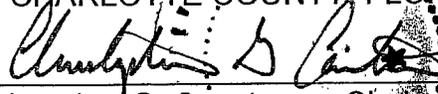
9. Resolution 2011-485, the buildout date of Babcock Ranch Community Master Development of Regional Impact Development Order is extended to May 11, 2041.
10. Resolution 2011-485, the expiration date of Babcock Ranch Community Master Development of Regional Impact Development Order is extended to November 3, 2042.
11. Resolution 2009-284, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 1 is extended to November 3, 2019.
12. Resolution 2009-284, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 2 is extended to November 3, 2024.
13. Resolution 2009-284, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to November 3, 2024.
14. Resolution 2009-284, the expiration date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to November 3, 2031.

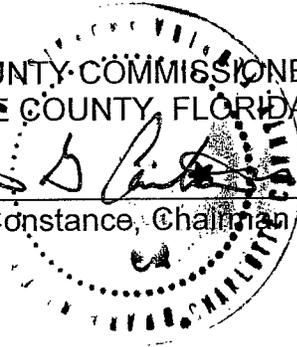
This Resolution shall become effective immediately upon its adoption.

County staff is hereby directed to forward a copy of this executed Resolution to the Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Tallahassee, Florida 32399, and to the Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Ave, Fort Myers, FL. 33901.

PASSED AND DULY ADOPTED this 24th of April, 2012.

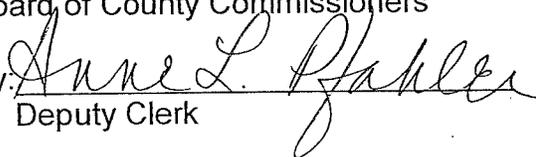
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Christopher G. Constance, Chairman

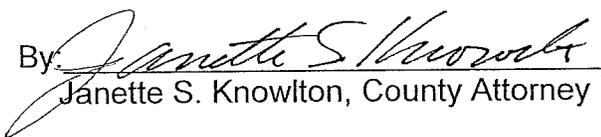


ATTEST:

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 *DR*