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RESOLUTION
NUMBER 2013-033

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE BUILDOUT DATES FOR THE DEVELOPMENT ORDERS OF SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI), TERN BAY 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, Florida Statutes (F.S.), Section 252.363, allows for the tolling and extension of the expiration date of a development order issued by a local government, and the buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to Section 380.06(19)(c), F.S., for emergency declarations covering the time period for the declaration and six months following the tolled period; and

WHEREAS, on June 25, 2012, a State of Emergency (Executive Order 12-140) was declared due to the severe threat from Tropical Storm Debby; and

WHEREAS, on August 20, 2012, Executive Order Number 12-192 extended the State of Emergency for 30 days through September 19, 2012 for the 34 counties, including Charlotte County; and

WHEREAS, on September 19, 2012, Executive Order Number 12-217 extended the State of Emergency for 5 days through September 24, 2012 for the 34 counties, including Charlotte County; and

WHEREAS, the total length of time this State of Emergency was declared was tolling of 91 days and six months; and

WHEREAS, to qualify, the development must have been within the geographic area for which the declaration applies, and

WHEREAS, the tolling for these orders would apply to all DRIs throughout the geographic area of the Emergency Declaration, including Charlotte County, if the developer notified the local government; and

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3826, PGS 310-314 5 pg(s)
INSTR # 2229718
Doc Type GOV, Recorded 12/09/2013 at 04:07 PM
Rec. Fee: \$44.00
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CHARLOTTE COUNTY CLERK
CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *[Signature]*
DEPUTY CLERK

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WHEREAS, the deadline for this notification for the Tropical Storm Debby declarations was December 23, 2012; and

WHEREAS, the developers for the Babcock Community DRIs and Tern Bay DRI referenced in the title of this resolution notified Charlotte County in writing before December 23, 2012; and

WHEREAS, on August 25, 2012, a State of Emergency (Executive Order 12-199) was declared due to the severe threat to the State of Florida from Tropical Storm Isaac; and

WHEREAS, the emergency declaration applied statewide for a period of 60 days, through October 24, 2012; and

WHEREAS, the tolling for this order would apply to all DRIs throughout the state, including Charlotte County, if the developer notified the local government; and

WHEREAS, the deadline for this notification for the Tropical Storm Isaac declarations was January 22, 2013; and

WHEREAS, the developers for the Babcock Community DRIs and Sandhill DRI referenced in the title of this resolution notified Charlotte County in writing before January 22, 2013; and

WHEREAS, the total length of time this State of Emergency was declared was tolling of 60 days and six months; and

WHEREAS, if Developers asked extension for both of Executive Orders (Tropical Storm Debby and Isaac), the developers can only ask for tolling of 120 days and one year extension; 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 2012-024, the buildout date of Sandhill Development of Regional Impact Development Order is extended to July 3, 2017.
2. Resolution 2012-024, the buildout date of Tern Bay Development of Regional Impact Development Order is extended to September 15, 2019.
3. Resolution 2012-024, the buildout date of Babcock Ranch Community Master Development of Regional Impact Development Order is extended to September 9, 2042.
4. Resolution 2012-024, the expiration date of Babcock Ranch Community Master Development of Regional Impact Development Order is extended to March 3, 2044.
5. Resolution 2012-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 1 is extended to March 4, 2021.
6. Resolution 2012-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 2 is extended to March 4, 2026.
7. Resolution 2012-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to March 4, 2026.
8. Resolution 2012-024, the expiration date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to March 4, 2033.

This Resolution shall become effective immediately upon its adoption.

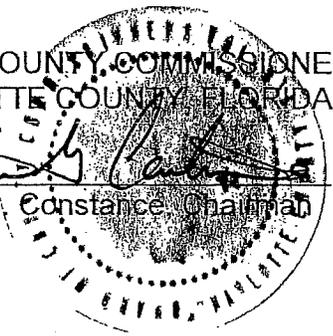
County staff is hereby directed to forward a copy of this executed Resolution to the Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Tallahassee, Florida 32399, and to the Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Ave,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

PASSED AND DULY ADOPTED this 11th of June, 2013.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:


Christopher G. Constance, Chairman



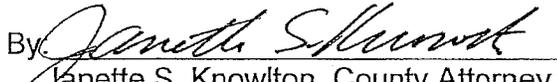
ATTEST:

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

By: Michael D. Berardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:


Janette S. Knowlton, County Attorney
LR2013-2412