RESOLUTION
NUMBER 2016-034

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

WHEREAS, Section 252.363 of Florida Statutes provides 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) of Florida Statutes, for emergency declarations, covering the time period for the emergency declaration and an additional six months following the tolled period; and

WHEREAS, Executive Order 15-173 ("Executive Order") was issued on August 28, 2015, declaring a state of emergency for the entire State of Florida due to Tropical Storm Erika; and

WHEREAS, the length of time of the Executive Order was for a period of 60 days and terminated on October 27, 2015; and

WHEREAS, the length of the tolling and the six month extension cumulative with the tolling for the Executive Order is 60 days and six months; and

WHEREAS, the deadline for notification to Charlotte County by a valid permit holder of its intent to exercise the tolling and extension provided under Section 252.363 of Florida Statutes is 90 days after termination of the Executive Order; and

WHEREAS, the tolling for this Executive Order would apply to all DRIs throughout the geographic area of the Executive Order, including Charlotte County, if the developer notified the local government; and

WHEREAS, the developers for the Babcock Community DRIs, Murdock Center DRI, Sandhill DRI and Tern Bay DRI referenced in the title of this resolution notified Charlotte County in writing before the deadline of January 25, 2016; 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), Florida Statutes, it does not constitute a substantial deviation; and

WHEREAS, the amendment request qualifies as a 380.06(19) (c), Florida Statutes, 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 2013-024, the expiration date of Babcock Ranch Community Master Development of Regional Impact Development Order is extended to November 2, 2044.

2. Resolution 2013-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 1 is extended to November 3, 2021.

3. Resolution 2013-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order – Phase 2 is extended to November 3, 2026.

4. Resolution 2013-024, the buildout date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to November 3, 2026.

5. Resolution 2013-024, the expiration date of Babcock Ranch Community Increment I Development of Regional Impact Development Order is extended to November 3, 2033.

6. Resolution 2012-024, the buildout date of Murdock Center Development of Regional Impact Master Development Order is extended to October 30, 2019.

7. Resolution 2012-024, the buildout date of Murdock Center Development of Regional Impact, Increment IV Development Order is extended to October 30, 2019.

8. Resolution 2013-033, the buildout date of Sandhill Development of Regional Impact Development Order is extended to March 1, 2018.

9. Resolution 2013-033, the buildout date of Tern Bay Development of Regional Impact Development Order is extended to May 14, 2020.

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 22nd day of March, 2016.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

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

By: Michelle D. Berardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2016-0180

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