

RESOLUTION 2018- 7

**UPDATE TO THE THIRD AMENDED AND RESTATED
PALM COAST PARK DRI DEVELOPMENT ORDER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING AN UPDATE TO THE THIRD AMENDED AND RESTATED PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECORD THE UPDATE TO THE THIRD AMENDED AND RESTATED DRI DO IN AN APPROVED FORM; PROVIDING FOR EXECUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 7, 2004 the City Council of the City of Palm Coast approved the Palm Coast Park Development of Regional Impact Development Order (DRI DO) by means of the adoption of Resolution Number 2004-48, which Resolution and DRI DO were recorded at Official Records Book 1177, Page 1796 of the Public Records of Flagler County, Florida; and

WHEREAS, on July 17, 2007, City Council, by Resolution 2007-105, adopted an Amended and Restated DRI DO being duly recorded on July 23, 2007, in Official Records Book 1600, Page 49, of the Public Records of Flagler County Florida; and

WHEREAS, on October 4, 2011, the City Council, by Resolution 2011-93, adopted the changes as provided for in the NOPC, and subsequently recorded the 2nd Amended and Restated DRI DO on October 20, 2011, in Official Records Book 1838, Page 834, of the Public Records of Flagler County, Florida; and

WHEREAS, on July 17, 2017, Palm Coast Land, LLC, a Florida limited liability company, majority owner of the Palm Coast Park DRI (for itself and as successor by merger for Palm Coast Forest, LLC) and Carter-Sawmill Creek LLLP, submitted an application to the City proposing changes to the DRI DO; and

WHEREAS, on August 14, 2017, Sunbelt Palm Coast I, LLC purchased Tract 1 of the DRI and Florida Land Investments I, LLC purchased Tracts 2 and 3 of the DRI; and

WHEREAS, on September 5, 2017, the City Council, by Resolution 2017-100, authorized the Mayor to execute the Third Amended and Restated DRI DO and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

WHEREAS, on December 11, 2017, Sunbelt Palm Coast I, LLC, owner of Tract 1 of the DRI, and Florida Land Investments I, LLC, owner of Tracts 2 and 3 of the DRI submitted a request to the City to update Exhibit “B” for Tracts 1 – 3 of the DRI DO as shown in Exhibit “1” to this Resolution; and

WHEREAS, on January 16, 2018, the City Council authorized the Mayor to execute this Resolution, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:

SECTION 1. FINDINGS OF THE CITY COUNCIL.

(a). The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

(b). The City Council of the City of Palm Coast hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum and packet relating to the proposed Update to the Third Amended and Restated DRI DO. The exhibits to this Resolution are incorporated herein as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Resolution and the associated Update to the Third Amended and Restated DRI DO.

(d). This Resolution and approval of the Update to the Third Amended and Restated DRI DO are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. APPROVAL OF THIRD AMENDED AND RESTATED DRI DO.

The City Council of the City of Palm Coast hereby approves the Update to the Third Amended and Restated DRI DO, as set forth in Exhibit “1” to this Resolution.

SECTION 3. AUTHORIZATION TO EXECUTE. This Resolution shall be executed by the Mayor and the City Clerk. The City Manager, or designee, shall cause the new Exhibit “B” to the DRI DO to be recorded in the Official Records of Flagler County (Land Records) in accordance with the provisions of State Law at the expense of the DRI property owners.

SECTION 4. COPY PROVIDED TO FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FDEO): Upon full execution and recording of this Update to the Third Amended and Restated DRI DO, a copy of same shall be furnished to the FDEO by the City Manager, or designee.

SECTION 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

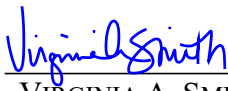
SECTION 7. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 8. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 16th day of January 2018.

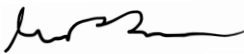
CITY OF PALM COAST, FLORIDA

ATTEST:



VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality



William E. Reischmann, Jr., Esq.



MILISSA HOLLAND, MAYOR



Attachment: Exhibit "1" Update to the Third Amended and Restated DRI DO

Exhibit "1

