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City of Palm Coast
2 Commerce Blvd.
Palm Coast, FL 32164

**RESOLUTION 2008 - 89
THREE YEAR EXTENSION TO
TOWN CENTER AT PALM COAST DEVELOPMENT OF REGIONAL IMPACT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA ACKNOWLEDGING THE AUTOMATIC THREE (3) YEAR EXTENSION OF THE TOWN CENTER AT PALM COAST DEVELOPMENT OF REGIONAL IMPACT; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECORD THIS RESOLUTION; PROVIDING FOR FINDINGS; PROVIDING FOR EXECUTION AND IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 11, 2003 the City Council of the City of Palm Coast approved the Town Center at Palm Coast Development of Regional Impact Development Order, which was recorded at Official Records Book 959, Page 1509 of the Public Records of Flagler County, Florida, as may be amended from time to time ("DRI"); and

WHEREAS, in 2007 the Legislature amended Section 380.06(19)(c), Florida Statutes adding the following language: "In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-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."; and

WHEREAS, the DRI was under active construction on or before July 1, 2007; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Coast, Flagler County, Florida, as follows:

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 this three (3) year extension of the DRI.
- (c) The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Resolution.
- (d) The City Council of the City of Palm Coast hereby finds that the DRI was under active construction on or before July 1, 2007.
- (e) This Resolution and the approval and acknowledgement of the three (3) year automatic extension of the DRI are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. APPROVAL OF THREE (3) YEAR EXTENSION

- (a) The City Council of the City of Palm Coast hereby approves and acknowledges the three (3) year extension to the DRI pursuant to Section 380.06(19)(c), Florida Statutes.
- (b) The three (3) year extension shall apply to any phase, buildout, or expiration date as defined in the DRI.
- (c) The approval and acknowledgment of the three (3) year extension shall not result in or be grounds for additional development of regional impact review and may not be considered when determining whether a subsequent extension of the DRI is a substantial deviation.

SECTION 3. RECORDING. This Resolution shall be executed by the Mayor. Upon full execution, the City Manager, or designee, shall cause this Resolution to be recorded in the Official Records of Flagler County, Florida (Land Records) in accordance with the provisions of State Law at the expense of the Developer as defined in the DRI.

SECTION 4. COPIES PROVIDED TO STATE AGENCIES. Upon full execution and recording of this Resolution, a copy of same shall be furnished by the City Manager, or designee, to the Florida Department of Community Affairs and to the Northeast Florida Regional Council.

SECTION 5. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.


SECTION 6. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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 take effect immediately upon adoption and filing in the Office of the City Clerk.

PASSED and ADOPTED at the meeting of the City Council of the City of Palm Coast, Florida, on this 20 day of May, 2008.

CITY OF PALM COAST, FLORIDA



JON NETTIS, MAYOR

ATTEST: 

Clare M. Hoern, City Clerk

