

CREDIT AUTHORIZATION #CA-17-02(T)
PORT HARBOUR PARKWAY EXTENSION/MOORE'S DAIRY

**THIS AUTHORIZATION IS APPROVED BY MANATEE COUNTY,
FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
(COUNTY) AUTHORIZING IMPACT FEE CREDITS FOR UPPER
MANATEE 288, LLC THEIR SUCCESSORS AND ASSIGNS
("OWNER/DEVELOPER").**

WHEREAS, on JUNE 27, 1986, MANATEE COUNTY ADOPTED ORDINANCE 86-09, establishing an Impact Fee Program ("ORDINANCE") and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida, adopted Ordinance 90-01, the new Manatee County Land Development Code (LDC), effective October 15, 1990; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 04-19, February 24, 2004, effective June 19, 2004; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 06-75, November 7, 2006, effective February 17, 2007; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 11-20, June 21, 2011, effective October 1, 2011; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 15-43, December 3, 2015, effective April 18, 2016; and,

WHEREAS, Chapter 11, Section 1106, of the Manatee County Land Development Code (LDC) provides for the authorization, by the Board of County Commissioners, of Impact Fee Credits for contributions, payments, construction or dedications made to Manatee County against the applicable components of the impact fee; and,

WHEREAS, OWNER/DEVELOPER, as part of real property known as Port Harbour Parkway Extension (the "Project"), will undertake certain required contributions, payments, construction and/or dedications which shall be eligible for credit against transportation impact fees due in Benefit District "SE."

NOW, THEREFORE, MANATEE COUNTY authorizes credit against Impact Fees as follows:

1. CONSTRUCTION, DEDICATION, CONTRIBUTION OR PAYMENT

Owner/Developer does hereby stipulate to make the following dedications, contributions, or conveyances for the future construction of public facilities as stated below:

- A. Dedication of Right-of-Way: Owner/Developer will dedicate right-of-way for the Port Harbour Parkway extension.
- B. Stormwater Facilities(s): Owner/Developer will provide stormwater drainage easements and construct stormwater facilities for Port Harbour Parkway extension.
- C. Road Construction: Owner/Developer will construct Port Harbour Parkway extension (two travel lanes) from the current terminus of Port Harbour Parkway to Upper Manatee River Road.

The estimated value of improvements is \$3,948,056. Public Works will reimburse developer \$2,299,202 from account 304 6076660 366656. The remainder of \$1,648,854 is eligible for transportation impact fee credits.

2. TIME OF CONSTRUCTION, DEDICATION, CONTRIBUTION OR PAYMENT

All construction, dedication, contributions, or payments described above shall be completed concurrent with development of the Project as set forth in Manatee County Ordinance PDMU-98-08(G)(R7), as amended from time to time, and the Land Development Agreement approved by the Board of County Commissioners September 4, 2014.

3. OTHER FEES

Prior to issuance of a Certificate of Occupancy, all other applicable impact fee components and, if the creditable amount of the road improvement is less than the transportation impact fee component, then, any difference due between the required transportation impact fee component and the creditable amount of the improvement, will be paid by the OWNER/DEVELOPER.

4. FAILURE TO PAY, CONSTRUCT OR DEDICATE

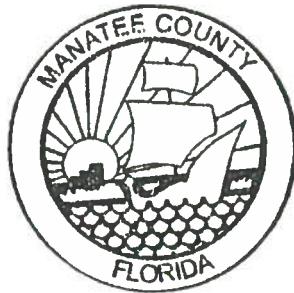
Failure of the OWNER/DEVELOPER to pay, construct, contribute or dedicate as provided for in this Authorization, the COUNTY may withhold any credit against impact fees for any Development Unit until such time as said payment, construction, contribution, or dedication occur.

5. FINAL CREDIT APPROVAL

The final amount of credit, as authorized by this Credit Authorization, shall be approved by the Board of County Commissioners before the credit is issued.

APPROVED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS


25h Day of July, 2017.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 
Chairperson

ATTEST

BY: 
Angelina Coloneso
Clerk of the Circuit Court

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - July 25, 2017

July 25, 2017 - Regular Meeting
Agenda Item #20

Approved in Open Session 7/25/17,
Manatee County
Board of County Commissioners

Subject

Port Harbour Parkway Extension/Moore's Dairy/Upper Manatee 288, LLC/Transportation Impact Fee Credit Authorization CA#17-02(T)

Briefings

None

Contact and/or Presenter Information

Elaine Barker
Impact Fee Coordinator
748-4501, Extension 6931

Action Requested

Authorization for Chairman to execute Credit Authorization #CA-17-02(T).

Motion carried 6-0, with Commissioner Whitmore abstaining.

Enabling/Regulating Authority

Memorandum of Voting Conflict ATTACHED

Manatee County Comprehensive Plan 5.1, Traffic Circulation Element/Future Major Roadways

Manatee County Land Development Code Chapter 11, Impact Fees, Section 1106, Credit Against Impact Fees

Background Discussion

Chapter 11, Section 1106, of the Manatee County Land Development Code provides for authorization by the Board of County Commissioners for Impact Fee Credit for contributions, payment, construction, or dedications made to Manatee County against applicable components of the impact fees.

This is also in association with the Public Works agenda item related to the Reimbursement Agreement for Port Harbour Parkway Extension.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - July 25, 2017

Instructions to Board Records

Please return executed documents to Elaine Barker, County Administration, Impact Fee Division, 3rd Floor,
Administration Bldg **Distributed 7/27/17, RT**

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [CA-17-02 \(T\) Credit Authorization for BCC Approval.pdf](#)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Whitmore, Carol</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Manatee County Bd. of County Comm'rs</i>
MAILING ADDRESS <i>P.O. Box 1000</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Bradenton</i>	COUNTY <i>Manatee</i>
DATE ON WHICH VOTE OCCURRED <i>7-25-17</i>	NAME OF POLITICAL SUBDIVISION <i>Manatee County</i> MY POSITION IS <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Carol Whitmore, hereby disclose that on July 25, 20 17.

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Scott Rudacille;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda items 20 and 52 - My son-in-law, Scott Rudacille, Esq., is involved in the representation of Upper Manatee 288, LLC, a development entity that is receiving impact fee credits and that will be reimbursed for certain roadway improvements.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

7-25-17

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.