

**RESOLUTION R-20-016**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; APPROVING THE FORM OF AGREEMENTS FOR THE EXTENSION OF TIME FOR APPROVAL OF DEVELOPMENT PERMITS OR DEVELOPMENT ORDERS PURSUANT TO FLORIDA STATUTE 125.022(1); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 125.022 (the "Act") provides that within 120 days after the County has deemed an application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the County must approve, approve with conditions, or deny an application for a development permit or development order; and

**WHEREAS**, the Act provides that both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance; and

**WHEREAS**, the Board of County Commissioners desires to authorize the County Administrator or her designee to sign such agreements with applicants pursuant to and in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:**

**SECTION 1. FINDINGS.** The Board hereby makes the following findings:

1. The recitals set forth above are true and correct;
2. It is in the best interest of County, and furthers the public health, safety and welfare of the County, to approve the form of, and authorize the execution of, agreements in order for the County and applicants to agree to extensions of time for approval of development permits and development orders pursuant to the Act.

**SECTION 2. APPROVAL OF FORM AGREEMENTS.** The Board hereby approves the agreements, to be executed between the County and applicants, substantially in the form attached hereto as Exhibit "A" pursuant to and in accordance with the Act.

**SECTION 3. AUTHORIZATION TO EXECUTE.** The County Administrator or her designee is hereby authorized to execute such agreements pursuant to and in accordance with the Act.

**SECTION 4. REPORTING.** The County Administrator shall annually provide a list to the Board of County Commissioners of all agreements executed pursuant to Section 3, above.

**SECTION 5. SEVERABILITY.** If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** with a quorum present and voting this the \_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

**EXHIBIT "A"**  
**FORM OF AGREEMENTS**

**AGREEMENT FOR EXTENSION OF TIME  
PURSUANT TO FLORIDA STATUTE 125.022(1)**

**APPLICATION/PERMIT NO.:** \_\_\_\_\_

**THIS AGREEMENT** (the "Agreement"), is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, hereinafter referred to as the "**County**", and \_\_\_\_\_, a \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter referred to as the "**Applicant.**"

**RECITALS:**

A. Applicant has filed the above referenced application (the "Application") for approval of a development permit or development order by the County, which was deemed complete by the County on \_\_\_\_\_; and

B. Florida Statute 125.022 requires that the County must approve, approve with conditions, or deny the Application on or before \_\_\_\_; and

C. Florida Statute 125.022(1) provides that both parties may agree to a reasonable request for an extension of time; and

D. Resolution No. R-20-016 of the Board of County Commissioners authorizes the County Administrator or her designee to execute agreements to provide for such time extensions substantially in the form approved in such resolution; and

E. The parties wish to enter into such an agreement to provide for such an extension of time pursuant to Florida Statute 125.022(1).

**NOW, THEREFORE**, in consideration of the mutual agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

I. **Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference as if fully set forth herein.

II. **Extension of Time.** Pursuant to Florida Statute 125.022(1) the parties hereby agree that the time for approval, approval with conditions, or denial of the Application shall be extended to \_\_\_\_\_.

III. **Remedies.** Each party hereto shall have such remedies as are available

pursuant to applicable law for any breach or non-performance of the other party.

**IV. Choice of Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Florida. Venue for any dispute shall be located in a civil court of competent jurisdiction of Manatee County, Florida.

**V. Severability; Partial Invalidity.** The provisions of this Agreement are declared by the parties to be severable. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect, provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

**COUNTY:**

**MANATEE COUNTY, a political subdivision  
of the State of Florida**

**By: its Board of County Commissioners**

By: \_\_\_\_\_  
County Administrator

**APPLICANT:**

\_\_\_\_\_, a \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print name)

Its: \_\_\_\_\_