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## **ALACHUA COUNTY PUBLIC WORKS OPERATING PROCEDURE**

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**DIVISION:**            **Transportation & Development**

**SECTION:**            **Development Review**

**PROCEDURE #:**    **EDR-8**

**SUBJECT:**            **Developer's Agreements**

**DATE:**                **12/15/01**      **REVISION #:**

**PREPARED BY:**    **Michael J. Fay**

**APPROVED BY:**    **Matthew Dominy, P.E., Director Of Public Works**

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**POLICY:**            **To establish a uniform means of creating developer's agreements associated with development projects.**

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When a project is proceeding through the Development Review Process and it has been determined that an exaction required of a developer must be memorialized in a developer's agreement, the following steps are taken:

1. The Development Review Office, in consultation with the Concurrency Management Officer, negotiates with the developer, or developer's agent to determine the appropriate exaction that would be required. Exactions are defined as project improvements that are either on-site or off-site that are not required by the Land Development Code or Zoning Conditions. If a Zoning Condition outlines an exaction and states that it is eligible for mitigation requirements, it must still be memorialized in a developer's agreement.
2. Once the terms of the exaction have been established, the Sr. Engineering Technician in the Transportation Division shall provide the County Attorney's Office with the terms necessary for the creation of a developer's agreement. These shall include:
  - The name of the project
  - The approval or anticipated approval date
  - The project description including project size, the tax parcel number and the physical address
  - The exaction
  - The action the County agrees to take
  - Any additional terms
  - The name and address of the developer

3. The County Attorney's Office draws up a developer's agreement and provides it directly to the developer. Once the developer signs the agreement, the County Attorney's Office records the document and provides copies to the developer and the Public Works Department. The developer executes developer's agreements before the Public Works Department issues any permit.