

RESOLUTION NO. 2000-147

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT FOR AND SALE OF APPROXIMATELY 17.3 ACRES OF COUNTY OWNED PROPERTY TO THE CRESENT BEACH BAPTIST CHURCH, INC., A FLORIDA NON-PROFIT CORPORATION, PURSUANT TO SECTION 125.38, FLORIDA STATUTES.

RECITALS

WHEREAS, pursuant to Section 125.38, Florida Statutes, the St. Johns County Board of County Commissioners (hereinafter, "Board") may sell property owned by St. Johns County, Florida (hereinafter, "County") in a private sale to a not for profit corporation when requested by the not for profit corporation provided the Board is satisfied that the use of the property will promote community interest and welfare and the property is not needed for County purposes; and

WHEREAS, the Crescent Beach Baptist Church, Inc., (hereinafter, "Church") a Florida non-profit corporation, is organized for the purposes of promoting community interest and welfare; and

WHEREAS, the Church has written a request to the County, as evidenced by a letter attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to purchase approximately 17.3 acres of the County owned parcel of land described in Exhibit "B," located off State Road No. 206 (hereinafter, "Property"). The Church desires the Property for the new location of the Crescent Beach Baptist Church and agrees to allow under reasonable rules the use of their outdoor recreational facilities to the non-commercial, non-denominational, and non-partisan recreational activities of the public when the church is not in session or congregational activities are not scheduled; and

WHEREAS, the purchase price of the Property is the appraised value in the amount of \$245,000.00 based upon an appraisal prepared by Ronald N. Pacetti, MAI, which amount the Church will pay to the County in cash less a reasonable deduction for the value of two acres and access easement to be deducted from the parent parcel described in Exhibit "B" for use by the St. Johns County Utility Department.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

1. The above Recitals are hereby incorporated herein by reference and adopted as findings of fact in support of this resolution.

2. **The Board finds that: (a) sale of said 17.3 acres of Property pursuant to Section 125.38, Florida Statutes, to Crescent Beach Baptist Church, Inc., (Church) is in the best interest of St. Johns County, (b) said Florida non-profit corporation is organized for the purposes of promoting community interest and welfare, (c) said Church has requested the County sell the Property, and (d) the Property is not needed for a public purpose.**
3. **The County Administrator is hereby authorized to execute a land sale contract and County Deed for the sale of the Property to the Church substantially in the form as those attached and incorporated herein by reference on behalf of the Board and St. Johns County and to take other reasonable action (including, but not limited to, execution of said deed) to facilitate and close that sale of the Property in accordance with the terms of said contract.**
4. **Notwithstanding any other provision of this Resolution or the contract, as a condition to this sale, the County Deed shall contain duly recorded covenants and restrictions applying to all said Property and running with the title to said land, granting to the County in perpetuity the right to require and enforce by any means allowed by law that: (1) when Church religious services are not in session or congregational activities are not in session, the outdoor facilities on the Property shall be open to public, non-profit recreational use under reasonable rules of use approved by the County; (2) no person shall on the grounds of race, creed, color, handicap, national origin, sex, age, political affiliation, or religious beliefs be excluded from participation in, denied benefits of, or be subject to discrimination from the public use provided for under (1) above; (3) the Property shall at all times be restricted to uses directly connected with and in support of non-profit functions of the Church and public uses allowed by these covenants and restrictions; (4) the Property shall not be sold or leased by the Church to any other entity or person without written consent of the St. Johns County Board of County Commissioners (hereinafter, "Board") which consent shall not be unreasonably withheld, but which it is agreed may be denied by the County without further cause if the proposed use is commercial in general nature or the proposed buyer is other than a not for profit entity; (5) the Property shall be subject to a 75 foot natural vegetative buffer along the easterly border of the Property; and (6) stadium lighting and ball-field lights of the intensity usually found on the average high school ball-field are prohibited. Provided that the specific language of these restrictions may be redrafted and expanded for inclusion in the aforesaid contract and County Deed to best clarify and implement the general intent of the aforesaid provisions as expressed herein, and further provided that said covenants and restrictions shall contain a provision that any of these covenants and restrictions may be rescinded in part or whole by a majority vote of the Board.**
5. **Approval of this Resolution shall not exempt Church, its successor or assign, from any applicable Federal, State, or local law, statute, ordinance, or regulation (e.g., zoning regulations) effecting or controlling said Property. Nor shall this Resolution obligate the County, the Board, or any other agency to grant, or apply**

for, land use permit or order (as defined in Chapter 163, Florida Statute) relating to this property.

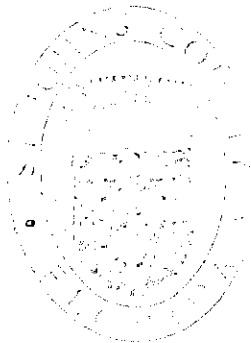
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 26th day of September, 2000.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk



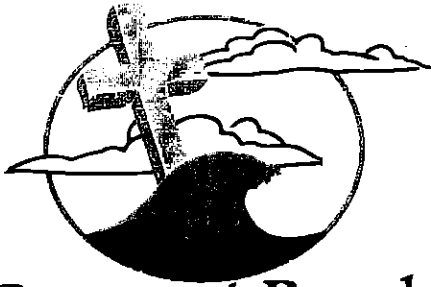


EXHIBIT "A" TO RESOLUTION

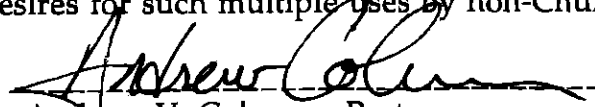
Crescent Beach
BAPTIST CHURCH

Andrew Coleman, Pastor

REQUEST TO PURCHASE COUNTY OWNED PROPERTY

1. The Crescent Beach Baptist Church requests that the St. Johns County Commission sell to the Church county owned property located on the south side of S.R. 206 consisting of approximately 19.6 acres in accordance with Florida Statute 125.38.
2. The purchase price of the property shall be the per acre amount based upon the property appraisal provided by Pacetti Appraisal Services to the Commission dated July 7, 2000. Further, at the August 3, 2000 meeting of the Commission, Commissioners expressed interest in exchanging property located on S.R. 206 which had been purchased on behalf of the Church. The Church was requested by the Commission to have the property appraised. That was done subsequently and a report was made to the purchaser and the Church by Pacetti Appraisal Services on August 31, 2000. Based on the differences in values of the County property and the property held for the Church, each determined by Pacetti Appraisal Services, the Church would pay in cash to the St. Johns County Commission the difference in appraised values.
3. Commissioners directed the Church at their August 3, 2000 meeting to meet with appropriate representatives of the St. Johns County Utilities Department to accommodate their need for approximately two acres of land in the vicinity of the subject property. Members of the Church leadership met with Mr. Herbert Van Der Mark and Mr. Bill Young and three alternative sites were indentified that would be suitable for the Utility Department's use. The actual site will be determined at a later date.
4. Commissioners expressed interest at their August 3, 2000 meeting regarding what outdoor recreational facilities may be available at the Church purchased site for use by the community at-large. The Church sees those interests being accommodated through the sale/exchange of properties in two ways. Firstly, the County could use a portion or all of the exchanged property for appropriate recreational facilities. Secondly, the Church has a history of allowing use of its outdoor recreational facilities by the community when the Church is not in session or requiring use of the outdoor space. We would continue that policy at our new site by allowing use of our outdoor recreational facilities by the community except when the Church is in session or when uses of those facilities are required for congregational activities. The Church would reserve the right to schedule and to make reasonable rules for usage of Church outdoor recreational facilities for community use if the desires for such multiple uses by non-Church groups required such control.

Signed:


Andrew V. Coleman, Pastor

Date: September 14, 2000.

EXHIBIT "B" TO RESOLUTION

EXHIBIT "A"

A parcel of land in Section 33, Township 8 South, Range 30 East, St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the West line of said Section 33 with the North right of way line of State Road No. 206, a 200 foot width right of way, thence North 89 degrees 11 minutes 38 seconds East, on said North right of way line 1,364.60 feet to the Southeast corner of that parcel of land conveyed to the Florida Power and Light Company as described in deed recorded in Official Records Book 369, Page 394, Public Records of said County; thence continuing on said North right of way line, North 89 degrees 11 minutes 38 seconds East 82.35 feet to the Point of Beginning at the Southwest corner of the herein described parcel of land, thence North 14 degrees 32 minutes 22 seconds West, on the East line of an 80 foot width road, parallel with and 80 feet Easterly as measured at right angles from the East line of said land described in Official Records Book 369, Page 394, a distance of 348.74 feet; thence North 75 degrees 27 minutes 38 seconds East 417 feet more or less to the center of a creek; thence meandering Southerly, on said center of creek, 440 feet more or less; thence South 89 degrees 11 minutes 38 seconds West, on said North right of way line, 378 feet, more or less to the Point of Beginning.

Together with

A parcel of land in Section 33, Township 8 South, Range 30 East, St. Johns County, Florida, a being more fully described as follows;

Commencing at the intersection of the West line of said Section 33 with the North right of way line of State Road No. 206, a 200 foot width right of way; thence North 89 degrees 11 minutes 38 seconds East, on said North right of way line, 1,364.60 feet to the Southeast corner of that parcel of land conveyed to the Florida Power and Light Company as described in Deed Recorded in Official Records Book 369, Page 394, Public Records of said County; thence continuing on said North right of way line, North 89 degrees 11 minutes 38 seconds East 82.35 feet; thence North 14 degrees 32 minutes 22 seconds West, on the East line of an 80 foot width road, parallel with and 80 feet Easterly as measured at right angles from the East line of said land described in Official Records Book 369, Page 394, a distance of 348.74 feet to the Point of Beginning at the Southwest corner of the herein described parcel of land; thence continuing North 14 degrees 32 minutes 22 seconds West, on said East line of road, 386.00 feet; thence North 75 degrees 27 minutes 38 seconds East 445 feet more or less to the center of a creek thence meandering Southerly, on said center of creek 386 feet more or less; thence South 75 degrees 27 minutes 38 seconds West 417 feet more or less to the point of Beginning.

EXHIBIT "C" TO RESOLUTION

This Instrument Prepared By:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P.O. Box 1533
St. Augustine, FL 32085-1533

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this _____ day of _____, 2000, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, hereinafter "Grantor", to **CRESCENT BEACH BAPTIST CHURCH, INC.**, a Florida non-profit corporation, whose address is 6975 A1A South, St. Augustine, Florida 32086, hereinafter "Grantee". (Wherever used herein the term "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and their successors, and assigns of organizations).

WITNESSETH;

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, forever unto said Grantee, all that certain land, situate, lying and being in the County of St. Johns, State of Florida and more particularly described below. Pursuant to Florida law Section 125.411(3) F.S., this deed conveys only the interest in said land the Grantor has of the date of this conveyance, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (THE "PROPERTY")

Parcel Account Number 187425-0000

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS COUNTY DEED is subject to the following non-exclusive list of exceptions:

- a. Special taxes and assessments, confirmed or unconfirmed, for improvements not yet completed, if any;
- b. Any state of facts which a good and accurate survey or inspection of the premises might reveal;
- c. Federal, State, local government (County or City), development, construction, zoning and building laws or ordinances, rules, regulations and resolutions;

- d. Rights, if any, of the public in any portion of the premises which may fall within any public street, way or alley;
- e. All acts of the Grantee occurring prior to, or subsequent to the date of this instrument;
- f. Agreements, conditions, covenants, reservations, restrictions, and servitude of record;
- g. Easements and rights of way of record.

RESERVING UNTO THE GRANTOR, its successors and/or assigns an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are may be in, on, or under the said land and an undivided one-half interest in all petroleum that is or may be in, or on, or under said land with the privilege to mine and develop the same.

IN WITNESS WHEREOF the said Grantor has caused the presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

BY: _____
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by James E. Bryant, Chairman of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did not take an oath.

Notary Public State of Florida
My Commission Expires: _____

EXHIBIT "A"

That part of Stephen Cheves Grant, Section 48, Township 9 South, Range 30 East (Except existing right-of-way for State Road 206), lying within 300 feet on each side of a line described as follows:

Commence on the West line of Stephen Cheves Grant, at a point 2032.99 feet North of the Southwest corner, thence run North 89 degrees 03 minutes East, a distance of 1291 feet to the point of curvature of a curve concave to the Northwesterly and having a radius of 2292.01 feet, thence run Northeasterly along the arc of said curve through a central angle of 12 degrees 00 minute 24 seconds a distance of 480.27 feet for the point of beginning of a line herein described, thence from a tangent bearing of North 77 degrees 02 minutes 36 seconds East run South 0 degree 58 minutes 24 seconds East, a distance of 1525 feet, for the end of this described line.