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ORDINANCE NUMBER: 2010 - 10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO OPEN RURAL(OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

Public Records of  
St. Johns County, FL  
Clerk # 2010012847,  
O.R. 3297 PG 50-56  
03/22/2010 at 11:32 AM,  
REC. \$29.00 SUR. \$32.00

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this rezoning shall proceed in accordance with the application, dated November 03, 2009 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2009-14 Anastasia Baptist Church at SR16 Rezoning, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Open Rural (OR) is consistent with the Comprehensive Plan, in that:
  - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3.12)
  - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
  - (c) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. The rezoning to Open Rural (OR) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Open Rural (OR) is consistent with the land uses allowed in the land use designation of Mixed Use District as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2009-14 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Open Rural (OR).

**SECTION 3.** To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

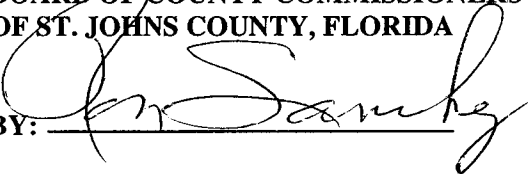
**SECTION 4.** This Ordinance shall take effect upon receipt by the Secretary of State.

**SECTION 5.** This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

**SECTION 6.** Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 2nd DAY OF March 2010.**

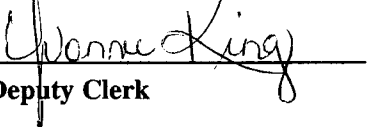
**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

BY: 

**Ron Sanchez, Chairman**

Rendition Date: March 4, 2010

**ATTEST: CHERYL STRICKLAND, CLERK**

BY:   
Deputy Clerk

Effective Date: March 5, 2010



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**Anastasia Baptist Church at SR 16**

Being a part of Section 9, 10 and 40, Township 7 South, Range 29 East, St. Johns County, Florida and being described as follows:

Beginning at the Northeast corner of Myrtle Meadows, Unit Two, as recorded in Map Book 12, pages 83 and 84, of said county and running thence South  $56^{\circ}09'28''$  West, 456.60 feet along the North line of said Myrtle Meadows to the East line of Circle Drive East; thence North  $14^{\circ}25'20''$  West, 184.09 feet along the East line; thence along the arc of a curve to the left having a radius of 492.64 feet central angle of  $18^{\circ}25'00''$  for an arc distance of 158.35 feet; thence North  $32^{\circ}50'20''$  West 382.00 feet; thence along the arc of a curve to the right having a radius of 224.70 feet, central angle of  $28^{\circ}39'00''$  for an arc distance of 112.36 feet; thence North  $04^{\circ}11'20''$  West 60.54 feet to the South line of S.R. #16; thence along said South line along the arc of a curve to the left having a radius of 2932.93 feet central angle of  $11^{\circ}09'58''$  for an arc distance of 571.58 feet; thence leaving said S.R. #16 and running South  $15^{\circ}00'19''$  East 656.50 feet to the place of beginning, containing 8.163 acres of land more or less.

Said legal description being the same as in the Warranty Deed recorded in Official Records Book 951, Page 588, of the Public Records of St. Johns County, Florida.

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**EXHIBIT D  
Proof of Ownership  
(Deed)**

**Corporate Warranty Deed**

This Indenture, made, November 17, 2006 A.D.

Between

Saint Augustine Baptist Church, Incorporated (also known as St. Augustine Baptist Church, Incorporated) whose post office address is: 110 Circle Drive East, Saint Augustine, Florida 32084 a not for profit corporation existing under the laws of the State of Florida, Grantor and Annetasia Baptist Church, Incorporated, a Florida Non Profit Organization whose post office address is: c/o Shirley Thompson, 5060 Vogel Road, Saint Augustine, Florida 32092, Grantee.

COPY

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida, to wit:

See attached Exhibit "A"

Subject to taxes for the current year, covenants, restrictions and encumbrances of record, if any, as well as those certain restrictions reflected on Exhibit "B" attached hereto.

Parcel Identification Number: 000000-0000

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

COPY

COPY

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Saint Augustine Baptist Church, Incorporated

Signed and Sealed in Our Presence:

*[Signature]*  
\_\_\_\_\_  
Witness Print Name: Holly Sheppard

*[Signature]*  
\_\_\_\_\_  
Witness Print Name: Peggy D. Gachet

By: *[Signature]*  
\_\_\_\_\_  
William R. Shierling  
Its: Trustee

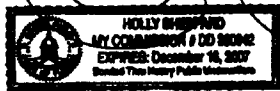
By: *[Signature]*  
\_\_\_\_\_  
David A. Smith  
Its: Trustee

By: *[Signature]*  
\_\_\_\_\_  
Barbara B. Smith  
Its: Trustee

State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this November 17, 2006, by William R. Shierling, David A. Smith and Barbara B. Smith, the Trustees of Saint Augustine Baptist Church, Incorporated, a not for profit corporation existing under the laws of the State of Florida, on behalf of the corporation.

He/She is personally known to me or has produced a driver's license as identification.



*[Signature]*  
\_\_\_\_\_  
Notary Public  
Notary Printed Name: Holly Sheppard (Seal)

My Commission Expires:

Prepared by:  
Holly Sheppard, an employee of  
Sheppard & Sheppard, P.A.,  
1301 Plantation Island Drive South, Suite 204  
Saint Augustine, Florida 32080

File Number: 06-1012

Clear's Choice Florida Corporate Deed/Letter

COPY

**SCHEDULE "A"**

Being a part of Section 9, 10 and 40, Township 7 South, Range 29 East, St. Johns County, Florida and being described as follows:

Beginning at the Northeast corner of Myrtle Meadows, Unit Two, as recorded in Map Book 12, pages 83 and 84, of said county and running thence South  $56^{\circ}09'28''$  West, 456.60 feet along the North line of said Myrtle Meadows to the East line of Circle Drive East; thence North  $14^{\circ}25'20''$  West 184.09 feet along the East line; thence along the arc of a curve to the left having a radius of 492.64 feet central angle of  $18^{\circ}25'00''$  for an arc distance of 158.35 feet; thence North  $32^{\circ}50'20''$  West 382.08 feet thence along the arc of a curve to the right having a radius of 224.70 feet, central angle of  $28^{\circ}39'00''$  for an arc distance of 112.36 feet; thence North  $04^{\circ}11'20''$  West 60.54 feet to the South line of S.R. #16; thence along said South line along the arc of a curve to the left having a radius of 2932.93 feet central angle of  $11^{\circ}09'58''$  for an arc distance of 571.58 feet; thence leaving said S.R. #16 and running South  $15^{\circ}00'19''$  East 656.50 feet to the place of beginning, containing 8.163 acres of land more or less.

Said legal description being the same as in the Warranty Deed recorded in Official Records Book 951, Page 588, of the Public Records of St. Johns County, Florida.

**SCHEDULE "B"**

AND further to have and to hold said tract or parcel of land, with the appurtenances, estate, title and interest thereto, belonging to the ST. AUGUSTINE BAPTIST CHURCH INCORPORATED, a nonprofit corporation, its successors and assigns, forever, for the use and benefit of those of the membership, even though they may be a minority, who adhere to, maintain and propagate the doctrines, faith and practices of the missionary Baptist churches which cooperate with the Florida Baptist Convention and the Southern Baptist Convention; and failure or refusal of the membership of said church, even though they be a majority, to adhere to, maintain and propagate the doctrines, faith and practices of missionary Baptist Churches and to cooperate with the Florida Baptist Convention and the Southern Baptist Convention, shall constitute such deviation from the accepted usages, practices and beliefs of Baptists, that said majority shall no longer constitute the true congregation of said church, the title to the property hereinabove described shall vest in, and be held for, the use and benefit of the minority who do adhere to, maintain and propagate the doctrines, faith and practices of the members of missionary Baptist churches which cooperate with the Florida Baptist Convention and the Southern Baptist Convention; and, in the event the entire membership or the ST. AUGUSTINE BAPTIST CHURCH INCORPORATED, should fail or refuse to follow, or should renounce the doctrines, faith and practices of members of Baptist churches which cooperate with said Conventions, then the title of the above described property shall revert to and become vested in the Florida Baptist Convention, or its successor, to be used for church and mission purposes.

COPY

Upon rendering the annual account at the end of each fiscal year and its acceptance and approval by the church, the records shall be delivered by the treasurer to the church clerk, who shall keep and preserve the account as a part of the permanent records of the church. The treasurer shall also be responsible to see that everyone who has given money or things of value to the church receives an annual statement of contributions after the close of the calendar year.

f. The church shall elect three or more TRUSTEES to serve as legal officers for the church. Upon a specific vote of the church authorizing each action, they shall have the power to buy, sell, mortgage, lease, or transfer any church property. When the signatures of trustees are required, they shall sign legal documents involving the sale, mortgage, purchase, or rental of property, or other legal documents related to church-approved matters.

Trustees shall serve on a rotation basis, with one new trustee being elected each year. A trustee must wait one year before being elected to serve another term.

g. The church shall elect DEACONS by ballot at regular business meetings of the church. There shall be one deacon elected for assigned service for every twelve to fifteen church resident families.

Deacons shall serve on a rotation basis. Each program year the assigned term of office of one third of the number of deacons shall expire, and election shall be held to fill vacancies and to add to the deacons such numbers as the church size warrants. The church nominating committee shall nominate one name for each opening. The pastor and the chairman of deacons will visit. If willing and meets the Biblical requirements one name for each opening will be presented to the church in business meeting for vote. In case of death or removal or incapacity to serve, the church may elect a deacon to fill the unexpired term, using the same procedure. After serving a term of three years' assignment, a deacon shall be eligible for reelection only after the lapse of at least one year. There shall be no obligation to constitute as an assigned deacon, one who has been a deacon in another church. In such instances as one might be chosen by this church for assignment as a deacon, his previous ordination by another church of like faith and order shall suffice for this church.

In accordance with the meaning of the work and the practice in the New Testament, deacons are to be servants of the church. Their task is to serve with the pastor and staff in performing the pastoral ministries tasks of (1) leading the church in the achievement of its mission, (2) proclaiming the gospel to believers and unbelievers, and (3) caring for the church's members and other persons in the community. Deacons shall serve as the church benevolence committee.

### III Church Committees

All who serve on church committees shall be resident active members.

The standing committees of this church shall be those which are listed below:

- a. Nominating
- b. Property and Space
- c. Stewardship
- d. Personnel
- e. Constitution and Bylaws
- f. History

COPY

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA ON MARCH 10 1948

W. J. King



RECEIVED

SJC DEVELOPMENT REVIEW  
ATTN: NANCY WALES  
4040 LEWIS SPEEDWAY  
SAINT AUGUSTINE FL 32084

ST. JOHNS COUNTY  
GROWTH MANAGEMENT

Ref.#: L627-10  
P.O.#: ANASTBAPTIST

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **HEATHER SHUGART**

who on oath says that he/she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF REZONING**

In the matter of **REZ 2009-14 - ANASTASIA BAPTIST CHURCH**

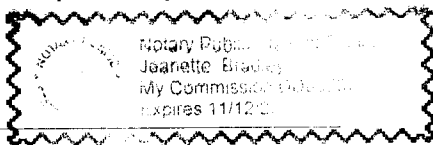
was published in said newspaper on **02/15/2010**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 15<sup>th</sup> day of Feb 2010

by Heather Shugart who is personally known to me  
or who has produced as identification

Jeanette Bradley  
(Signature of Notary Public)



(Seal)

**NOTICE OF A PROPOSED REZONING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on **Tuesday, March 2, 2010 at 9:00 a.m.** by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to issue a decision on

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

The subject property is located on 110 E. Circle Drive within St. Johns County, Florida.



This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

**BOARD OF COUNTY COMMISSIONERS  
RON SANCHEZ, CHAIRMAN  
ST. JOHNS COUNTY, FLORIDA  
FILE NUMBER: REZ 2009-14 Anastasia Baptist  
Church of SR 16  
L427-10 Feb 15, 2010**





# FLORIDA DEPARTMENT OF STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

March 5, 2010

Ms. Cheryl Strickland  
Clerk of the Circuit Court  
St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084-8637

FILED  
2010 MAR 10 PM 4:26  
CLERK OF CIRCUIT COURT AND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 4, 2010 and certified copies of St. Johns County Ordinance Nos. 2010-10 and 2010-11, which were filed in this office on March 5, 2010.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6500 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
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LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282