



**PCD STAFF REPORT**

*Department of Planning & Community Development*

**PROJECT:** RV.16.4809 Fortson Homes  
 Planning Commission  
**FROM:** Christopher M. Gratz, AICP, Development Services and Zoning Manager  
**DATE:** 1/18/2017  
**APPLICANT:** Rick Schappacher, P.E., of Schappacher Engineering, Inc. for Fortson Homes, Inc., owners  
**WARD:** 5 – Harold Byrd, Jr.

**PROJECT SYNOPSIS:**

<i>Applicant's Request:</i>	<i>Right-of-Way Vacation</i>
<i>Location:</i>	<i>1130 8<sup>th</sup> Avenue East (Zoned T4-R &amp; T4-O)</i>
<i>Staff Recommendation:</i>	<i>Approval</i>
<i>Planning Commission Recommendation:</i>	<i>TBD, January 18, 2017</i>
<i>City Council Action:</i>	<i>TBD, February 8, 2017</i>

**REQUEST:** Vacation of 0.3394 acres (14,784.26 square feet) of right-of-way of the western portion of an un-built alley; the eastern portion was previously vacated.

**LOCATION OF SUBJECT PROPERTY:** Adjacent to 1130 8<sup>th</sup> Avenue East (Parcel ID 3228500009), between 8<sup>th</sup> Avenue East and 8<sup>th</sup> Avenue Drive East. Generally located north of 9<sup>th</sup> Avenue East; south of 8<sup>th</sup> Avenue East; east of 11<sup>th</sup> Street East; and west of 12<sup>th</sup> Street East. A legal description is on the attached sketch and description. The subject property is located in the Bradenton CRA and Neighborhood 7.03.

**ACREAGE:** 0.3394 acres (14,784.26 square feet) **FLOOD ZONE:** X

**CHARACTERISTICS OF THE SUBJECT PROPERTY:** The vacant property is 7.5' by 192.10'.

**HISTORY/PREVIOUS ACTION RELEVANT TO APPLICANT'S REQUEST:** The eastern 7.5' of this alley was vacated by City Council on March 11, 1981.

**SURROUNDING PROPERTIES:**

<b>Future Land Use</b>	<b>Zoning</b>	<b>Use</b>
<b>North:</b> Residential Medium	T4-R	Vacant, Church
<b>South:</b> UCC	T4-O	Vacant, Building Materials Store
<b>East:</b> Residential Medium	T4-O & T4-R	Multi-family dwellings
<b>West:</b> Residential Medium	T4-O & T4-R	Vacant, Building Materials Store

**SUBJECT PROPERTY EXISTING LAND USE / FUTURE LAND USE/ ZONING/:**

Vacant / Residential Medium (10 DU/AC) / T4-R, General Urban Restricted & T4-O, General Urban Open

**PCD STAFF EVALUATION:**

**2.2.7.3 Review of application.** The PCD director shall report to the planning commission and director of public works all known non-city uses of such easement, right-of-way or property. The planning commission shall evaluate any request for vacation of right-of-way or other dedicated property to determine whether vacation would be detrimental to the public health, safety, welfare or convenience. Information presented at the public hearing regarding use of the property for access to other properties or other public purpose shall be considered by the planning commission in making its recommendation. In cases where the right-of-way is used only for utilities, the planning commission may recommend the vacation provided that an easement is provided for such utilities. The recommendation shall be given to city council in writing. City council shall review a request for public easement vacation to determine whether the requested vacation would be detrimental to public health, safety, welfare or convenience.

- The property does not provide access to the adjacent properties to the east, and the other half of the right-of-way was previous vacated.
- There are no utilities in the right-of-way now, none are planned, and all providers stated no objection to the request.
- Vacating this property will aid in the development of the adjacent vacant property to the west and south with a detached single family home subdivision. Staff has discussed preliminary plans with the developer who wishes to construct nine (9) detached single family homes.
- Public Works has reviewed request and finds that the right-of-way is not needed by the City.

Staff recommends approval of the request since vacating the right-of-way will not be detrimental to the public health, safety, welfare or convenience as required by §2.2.7.3 of the Land Use Regulations.

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**ATTACHMENTS:**

Application  
Resolution 81-16  
Sketch and Description  
Public Works Letter of No Objection

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**STAFF RECOMMENDATION:**

**APPROVAL** of RV.16.4809 Fortson Homes.

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**PLANNING COMMISSION RECOMMENDATION (January 18, 2017):**

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**CITY COUNCIL ACTION (February 8, 2017):**



Application #: RV.16.4809  
 Owner: Fortson Homes Inc.  
 Agent: Rick Schappacher, Schappacher Engineering  
 Address: 1130 8th Avenue East  
 PIN: 3228500009



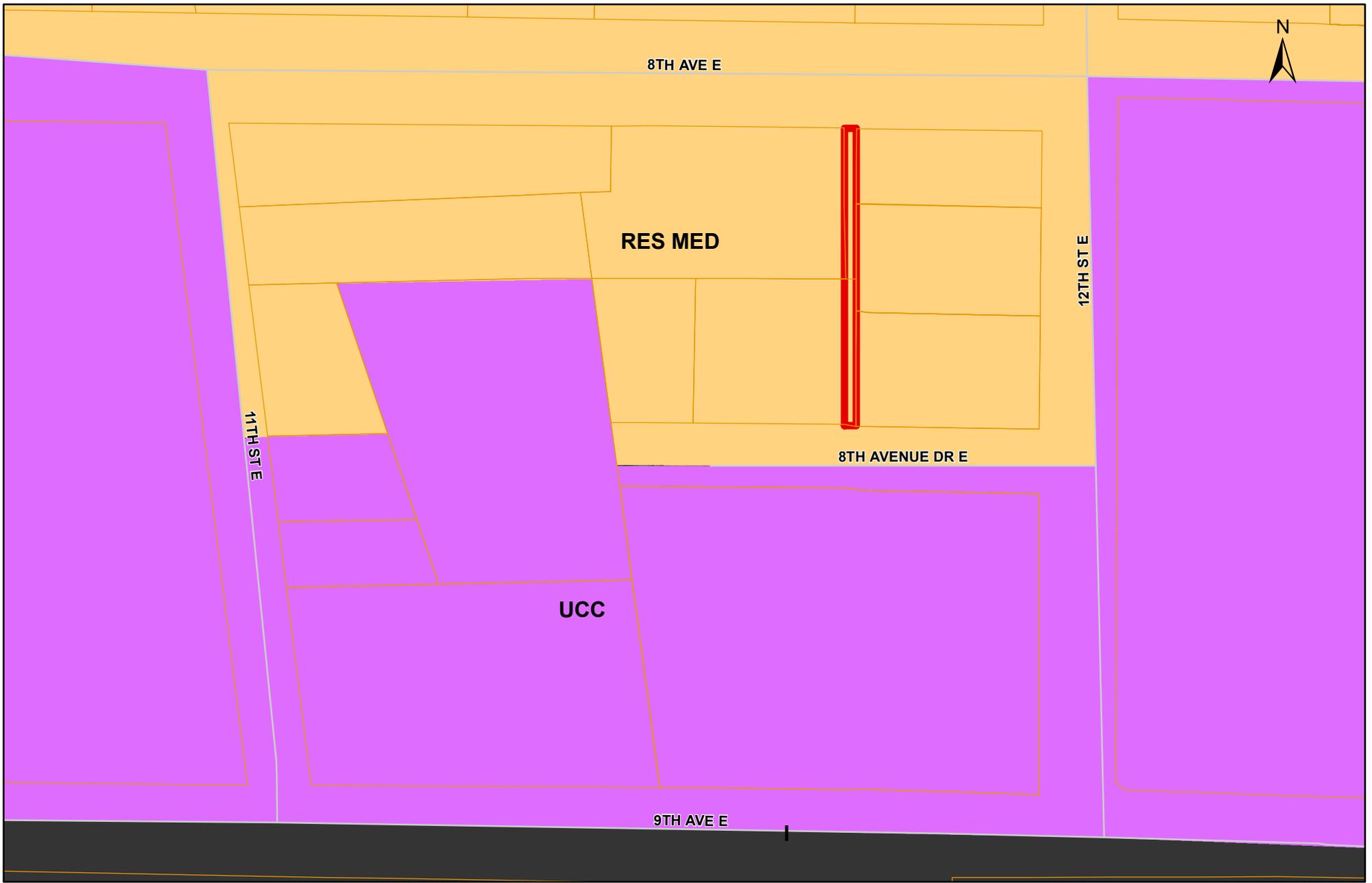
Prepared by Department of  
Planning and Community Development

### RIGHT-OF-WAY (ROW) VACATION LOCATION MAP



#### Legend

- Parcels
- Subject ROW
- City Limits

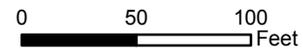


Application #: RV.16.4809  
 Owner: Fortson Homes Inc.  
 Agent: Rick Schappacher, Schappacher Engineering  
 Address: 1130 8th Avenue East  
 PIN: 3228500009



Prepared by Department of  
Planning and Community Development

**RIGHT-OF-WAY (ROW) VACATION  
FUTURE LAND USE MAP**



**Legend**

-  Parcels
-  Subject ROW
-  City Limits



Application #: RV.16.4809

Owner: Fortson Homes Inc.

Agent: Rick Schappacher, Schappacher Engineering

Address: 1130 8th Avenue East

PIN: 3228500009



Prepared by Department of  
Planning and Community Development

### RIGHT-OF-WAY (ROW) VACATION ZONING MAP



Printed: 12/27/2016 1:51:48 PM  
Path: G:\GIS\MXDs\PH\_Maps\RV 16 4809 Fortson Homes ROW Vacation 1130 8th Ave E 2.mxd  
GIS Data: Manatee County GIS, City of Bradenton

#### Legend

-  Parcels
-  Subject ROW
-  City Limits

BB

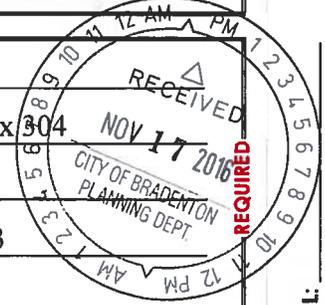


# Request to Vacate

Department of Planning & Community Development  
101 Old Main Street, Bradenton, FL 34205  
Ph: (941) 932-9400  
[www.cityofbradenton.com](http://www.cityofbradenton.com)

CONTACT INFORMATION

Name of Property Owner: Fortson Homes, Inc.  
Owner Address: 1916 72nd Dr E, Sarasota 34243 Telephone: 941 921-0065 x304  
Name of Agent: Richard Schappacher  
Agent Address: P.O. Box 21256, Bradenton, 34204 Telephone: 941 251-7613  
Owner/Agent Email: rick@schappachereng.com



PROPERTY INFORMATION

Property Address: 1130 8th Avenue East  
Parcel ID: 3228500009 Acreage: 0.3394  
Zoning District: T4-R Future Land Use: Residential Medium Density  
\*click to view [Zoning map](#) \*click to view [FLU map](#)  
Ward #: 5 Neighborhood #: 7.03  
\*click to view [Ward map](#) \*click to view [Neighborhoods map](#)

Indicate Type of Vacation Requested: Right-of-Way Easement

MATERIALS FOR REVIEW

Before submitting an application to the City of Bradenton, please check with the Planning & Community Development Department to verify all essential information for review is present. Incomplete applications will delay the review process.

- ▶ **Right-of-Way Vacation**
  - Right-of-Way Vacation Application Fee: \$1,230
  - Letter of Request
  - Documentation of Approval from Public and Private Utilities (see page 2 for Public and Private Utilities contact list)
  - Legal Description of Right-of-Way to be Vacated
  - Property Survey (signed & sealed within the last 3 years)
  - One (1) electronic copy in pdf format of Application and all required support materials
- ▶ **Easement Vacation**
  - Easement Vacation Review Fee: \$300.
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Documentation of Approval from Public and Private Utilities (see page 2 for Public and Private Utilities contact list)
  - Legal Description of Easement to be Vacated
  - Property Survey (signed & sealed within the last 3 years)
  - One (1) electronic copy in pdf format of Application and all required support materials

The owner of this property and/or the undersigned agree to conform to all applicable laws of the City of Bradenton and to all applicable Federal, State, and County laws.  
James Moore 11/14/16  
Signature of Owner/Applicant Date

CITY STAFF ONLY

Application Fees:  
Fee Required: **\$1,230** (Right-of-Way Vacation)  
**\$300** (Easement Vacation)  
FEE COLLECTED: \$ 1230  
RECEIPT #: 007008-0009  
Application Sufficiency:  
Sufficient:   
Incomplete:   
APPLICATION #: 164809

REQUIRED

REQUIRED

REQUIRED

REQUIRED

REQUIRED

CITY STAFF ONLY

CITY COUNCIL:

PLANNING COMMISSION:

DRC:

REVIEW DATES -- TO BE COMPLETED BY CITY STAFF



**bradenton**  
The Friendly City

## Agent Authorization Form

Department of Planning & Community Development  
101 Old Main Street, Bradenton, FL 34205  
Ph: (941) 932-9400  
[www.cityofbradenton.com](http://www.cityofbradenton.com)

### PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 1130 8th Avenue East

I, James Moore, the registered property owner(s) of the above noted property, do hereby authorize

Richard Schappacher Schappacher Engineering, LLC  
Print Name of Agent Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable

James Moore 7205 22nd Street East, Sarasota, FL 34243  
Signature of Owner(s) Owner(s) Address (if different than property above)

Richard Schappacher P.O. Box 21256 Bradenton, 34204 - 941 251-7613  
Signature of Agent Agent Address and Phone

### STATE OF FLORIDA, MANATEE COUNTY

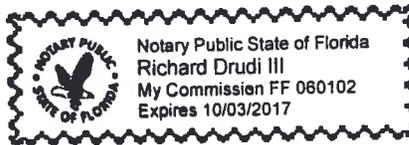
The Foregoing instrument was acknowledged before me this 14 day of November, 2016

produced DRIVERS LICENSE respectively, as

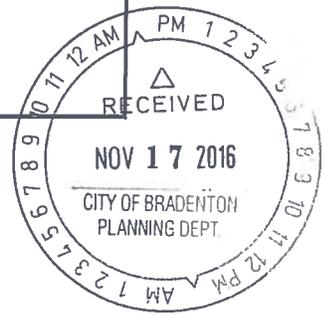
as identification and who did (did not) take an oath:

[Signature]  
Signature

\_\_\_\_\_, Notary Public  
Print Name



State of Florida  
My Commission Expires: \_\_\_\_\_



AGENT AUTHORIZATION

REQUIRED

NOTARY

REQUIRED

**bright  
house**  
NETWORKS



10/11/16

Schappacher Engineering  
3604 53<sup>rd</sup> Ave East  
Bradenton, FL 34203

Re: Vacate request for Right-of-Way of an alley off of 8th Ave East

Dear, Chris Kolb, E.I.

Pursuant to your e-mail on 10/11/16 Bright House Networks, LLC has no existing facilities located within the proposed easement vacation.

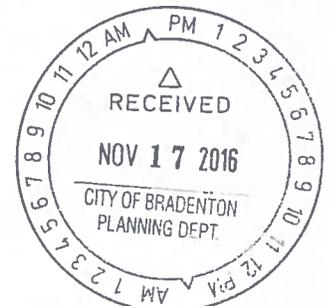
Bright House Networks, LLC has no objection to the vacate of the easement running at the rear of the addresses 802, 804, 806, 808, and 810 12<sup>th</sup> st East and to the north of 8<sup>th</sup> ave dr East.

If you should have any questions, please do not hesitate to call. You can reach me @ 941-345-1328.

Sincerely,

Jim Hallman  
Field Engineer

Manatee Region  
5413 SR-64 East  
Bradenton, Florida 34203  
Telephone 941-748-3818 Ext 24051  
Fax # 941-345-1323





**8<sup>th</sup> Avenue East ROW Vacation**  
3604 53<sup>rd</sup> Ave. East - Bradenton, Florida 34203; Phone: (941) 251-7613









**Chris Kolb**

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**From:** Hoffman, Steve (sarasota) <Steve\_Hoffman@comcast.com>  
**Sent:** Friday, October 14, 2016 2:20 PM  
**To:** Chris Kolb  
**Subject:** RE: ROW Vacation 8th Ave East

Chris.  
Comcast Cable of West Florida has No objection to the Vacate of the Utility Easement in the Right –of– Way in the above mentioned Alley off of 8<sup>th</sup> Avenue in Manatee County.  
Thank-you for contacting Comcast in this matter.

Steve Hoffman

**From:** Chris Kolb [mailto:chris@schappachereng.com]  
**Sent:** Friday, October 14, 2016 11:24 AM  
**To:** Hoffman, Steve (sarasota)  
**Subject:** ROW Vacation 8th Ave East

Steve,

We are looking to get consent to Vacate a Right-Of-Way of an alley off of 8<sup>th</sup> Avenue East just north of Tropicana. I've attached an exhibit showing it's location and vicinity. If you have any questions or concerns please contact us

Thanks,

**Chris Kolb, E.I.**  
**Schappacher Engineering**  
3604 53rd Ave. East  
Bradenton, Florida 34203  
Phone: 941 251-7613  
Website: [www.schappachereng.com](http://www.schappachereng.com)



**Chris Kolb**

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**From:** Coker, Greg <Greg.Coker@fpl.com>  
**Sent:** Thursday, November 10, 2016 4:29 PM  
**To:** Chris Kolb  
**Cc:** Kolar, Christopher; Rick Schappacher  
**Subject:** RE: 8th Ave East ROW Vacation FPL WR# 7378113

Chris,

If the referenced alley way is that shown below (i.e. 15 ft. wide & 192.10 ft. long), FPL has no objection to the proposed vacation. We have no existing facilities within its limits.

Thank you for contacting FPL!

**Greg Coker**

FLORIDA POWER & LIGHT - Distribution  
West Area Relocations Coordinator  
1253 12th Avenue East  
Palmetto, FL 34221  
941-723-4430 (w)  
941-704-9087 (c)

<http://www.gratitudecampaign.org/>



Date: 10/10/16



Mike Little  
Region rights of way  
& Municipal Affairs Mgr.  
Frontier Communications  
120 E. Lime Street  
Lakeland FL., 33801  
Cell 813 892-9648

Chris Kolb, E.I.  
Schappacher Engineering  
3604 53rd Ave. East  
Bradenton, Florida 34203  
Phone: 941 251-7613

RE:ROW Vacate request for 8th Ave. East, Bradenton, FL

Dear Chris,

- Frontier Florida LLC will require easements as indicated on the attached plat.
- Frontier Florida LLC does object to the above referenced easement or right of way vacation. This is necessary, as we have facilities in the existing easement or rights of way, which needs to be maintained
- Frontier Florida LLC has no objection to the attached request.
- Frontier Florida LLC has no objection to the above referenced vacate providing we may maintain an easement(s) presently occupied by our facilities or providing we are reimbursed for the relocation of our facilities to a new location.

Please be advised that Frontier may have facilities in the area. Please contact Sunshine 811 two full business days prior to commencement of construction at 811 for utility locations. Please call me if you have any questions or need any additional information at (813) 892-9648.

Sincerely,

A handwritten signature in blue ink that reads "Mike Little".

Network Engineering

A Part of Frontier Communications





# Teco/Peoples Gas

8261 Vico Ct. • Sarasota, FL 34240 • 941-342-4026 • Fax. 342-4011

October 10, 2016

Schappacher Engineering  
Attn: Chris Kolb, E.I.  
3604 53<sup>rd</sup> Avenue East  
Bradenton, Florida 34203

**Re: No Objection to Vacation of Easement  
Alley Way off of 8<sup>th</sup> Ave East  
Bradenton, Florida**

Dear Mr. Kolb:

We have reviewed the plan forwarded to us regarding the vacation as referenced above.

TECO/Peoples Gas has **No Objection** to the proposed vacation.

Should you have any questions or concerns, please contact me at 941-342-4006.

Sincerely,

**TECO/PEOPLES GAS**



Dan Shanahan  
Sarasota Operations Engineering



**LEGAL DESCRIPTION:**

THE EASTERLY PORTION OF THAT CERTAIN 15 FOOT ALLEY ADJACENT TO LOT 5 AND LOT 10, BLOCK 'C', OF JOHN H. GRAHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 187, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 5, BLOCK 'C'; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 5, BLOCK 'C', SOUTH 88°55'46" EAST, 7.50 FEET; THENCE SOUTH 00°54'59" EAST, 192.10 FEET; THENCE ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 10, BLOCK 'C', NORTH 88°55'46" EAST, 7.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK 'C'; THENCE ALONG THE WEST LINE OF SAID LOT 5 AND LOT 10, BLOCK 'C', NORTH 00°54'59" WEST, 192.10 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE AND BEING IN THE COUNTY OF MANATEE, FLORIDA AND CONTAINING 1,441 SQUARE FEET MORE OR LESS.



NORTH

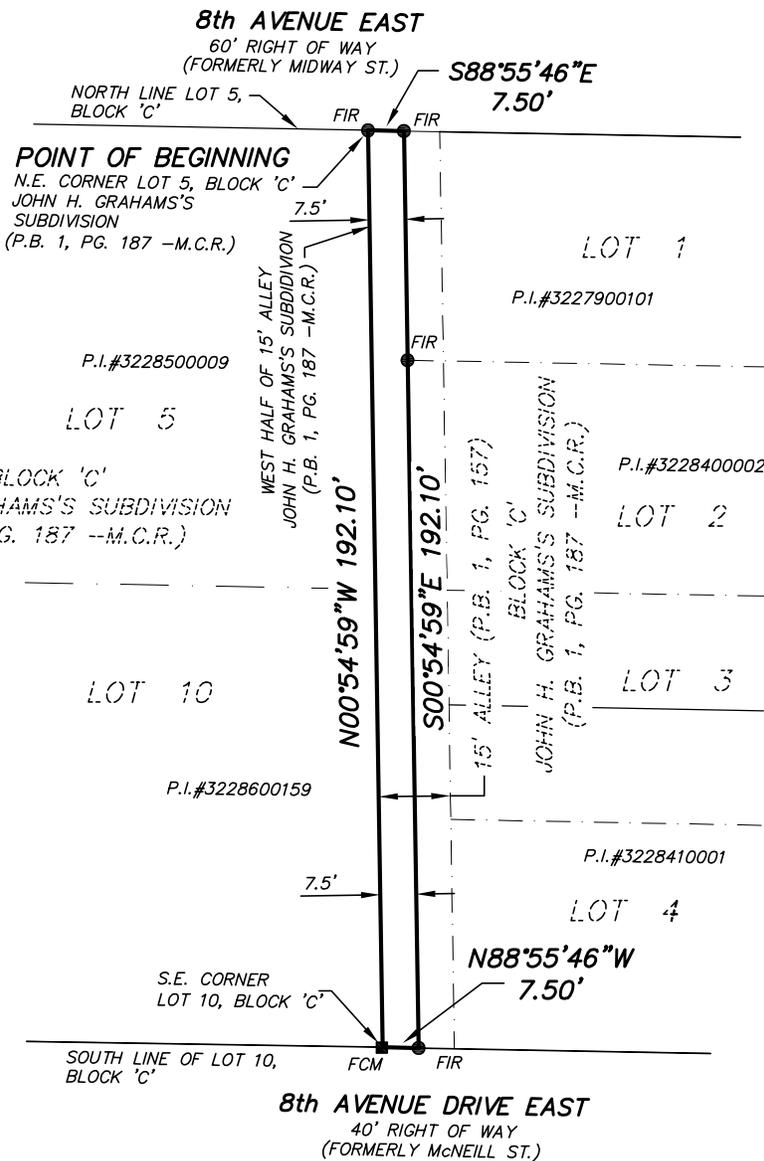
**BOUNDARY SURVEY**

**ABBREVIATIONS:**

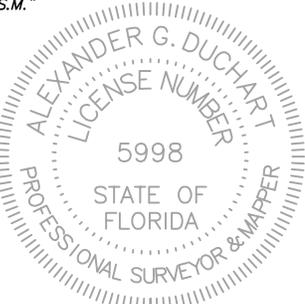
- FIR = FOUND 5/8" IRON ROD "NO.I.D."
- LB = LICENSED BUSINESS
- FCM = FOUND 4" CONCRETE MONUMENT "NO.I.D."
- I.D. = IDENTIFICATION
- P.I.# = PROPERTY IDENTIFICATION NUMBER
- PG. = PAGE
- P.B. = PLAT BOOK
- M.C.R. = MANATEE COUNTY RECORDS

**SURVEYOR'S NOTES:**

1. BUILDING SETBACKS SHOWN HEREON WERE TAKEN AT THE FOUNDATION OF BUILDING.
2. VISIBLE EASEMENTS OR ENCROACHMENTS ARE SHOWN OR NOTED HEREON.
3. THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
4. UNDERGROUND IMPROVEMENTS, UTILITIES OR ENCROACHMENTS NOT LOCATED.
5. THE BEARINGS SHOWN HEREON ARE ASSUMED REFERRED TO THE EAST LINE OF LOT 5 AND LOT 10, BLOCK 'C', SHOWN ON THIS SURVEY HAVING A BEARING OF N00°54'59"W.



"THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ALEXANDER DUCHART P.S.M."



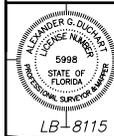
NOVEMBER 13, 2016

*(Signature)*  
 ALEXANDER G. DUCHART  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NO. 5998

**CERTIFIED TO:  
 FORTSTON HOMES**

CLIENT R-S	
JOB NO.	11-6-16
ACAD FILE	FORTSTON-ALLEY
FIELD DATE	11-10-16 CHECKED BY: SD
DRAWN BY:	SD FLD. BOOK: AGD04-PG04
REVISIONS	DATE

"UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THE BOUNDARY SURVEY IS FOR INFORMATION ONLY AND IS NOT VALID"



**A.DUCHART LAND SURVEYING, INC.**

2403 VERMONT AVENUE EAST  
 BRADENTON, FL 34208  
 aduchart@gmail.com  
 1-800-402-8768

- Boundary
- Construction
- Platting
- ALTA
- Topographic

SCALE: 1" = 30'

Consideration: \$50,000.00  
Documentary Stamps: \$350.00  
Recording Fee: \$27.00

Prepared by and return to:  
Berlin Patten Ebling, PLLC  
Attn: Jessica Featherstone, Esq.  
8130 Lakewood Main Street, Suite 206  
Lakewood Ranch, FL 34202  
15-4182-041

Property Appraiser's Parcel ID No.: 3228500009 and 3233300007  
(FOR INFORMATIONAL PURPOSES ONLY)

## WARRANTY DEED

**THIS WARRANTY DEED**, is made this 7th day of April, 2016, by and between **REFUGE CHURCH OF OUR LORD JESUS CHRIST OF THE APOSTOLIC FAITH, INC., A FLORIDA CORPORATION, A/K/A REFUGEE CHURCH OF OUR LORD**, whose address is **1317 Rowe Avenue, Jacksonville, FL 32208** (hereinafter "GRANTOR"), and **FORTSON HOMES, LLC A FLORIDA LIMITED LIABILITY COMPANY**, whose address is **7205 22nd Street East, Bradenton, FL 34243** (hereinafter "GRANTEE").

THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said GRANTOR in hand paid by said GRANTEE, the receipt and adequacy of which is hereby acknowledged, has granted, bargained aliened, remised, released, conveyed confirmed, and sold to said GRANTEE and GRANTEE'S successors, and assigns forever, the following described real property, including improvements thereon, situated in **Manatee County, Florida**, to wit:

**BEGIN AT THE SOUTHWEST CORNER OF LOT 7, SUBDIVISION OF THE WEST 1/2 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 17 EAST ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 84, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; RUN THENCE NORTHERLY ON THE WESTERLY LINE OF SAID LOT 7 A DISTANCE OF 53.73 FEET MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF EIGHTH AVENUE EAST, BRADENTON, FLORIDA; RUN THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF EIGHTH AVENUE EAST A DISTANCE OF 243.49 FEET TO A POINT ON A LINE, WHICH LINE IS A CONTINUATION IN A SOUTHERLY DIRECTION OF EASTERLY BOUNDARY LINE OF LOT 11, BLOCK B OF GRAHAM'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 117, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; RUN THENCE SOUTHERLY ALONG SAID LINE, WHICH LINE IS A CONTINUATION IN A SOUTHERLY DIRECTION OF THE EASTERLY LINE OF SAID LOT 11, BLOCK B, OF GRAHAM'S SUBDIVISION, A DISTANCE OF 41.5 FEET MORE OR LESS TO THE SOUTHERLY LINE OF LOT 27 OF SAID SUBDIVISION OF THE W 1/2 OF THE SE 1/4 OF SAID SECTION 25, A DISTANCE OF 237.82 FEET, MORE OR LESS TO THE POINT OF BEGINNING, ALL BEING PART OF LOT 7 AND LOT 27 OF SAID SUBDIVISION OF THE W 1/2 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 17 EAST, TOGETHER WITH: LOTS 5, 6 AND 7, BLOCK C, GRAHAM'S SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 187, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.**

Together with appurtenances, privileges, rights, interests, dower, reversions, riparian rights, remainders and easements thereunto appertaining. GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of said property in fee simple; that it is free of encumbrances except for taxes for the current and subsequent years, easements, reservations, and restrictions of record, if any, which reference thereto shall not serve to re-impose same; that GRANTOR has good right and lawful authority to convey same; and that GRANTEE shall have quiet enjoyment thereof. GRANTOR does hereby warrant the title to said property

and will defend the same against the lawful claims of all persons whomsoever.

The individual(s) executing this instrument on behalf of Grantor covenant and agree that they have full right and authority to execute this instrument on behalf of Grantor pursuant to the excerpts from the Grantor's bylaws, enclosed herewith as "Exhibit A."

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESSES:

(1) *Donald L. Lombardi*  
 Printed Name Donald L. Lombardi

(2) *Jasmine Leathers*  
 Printed Name Jasmine Leathers

GRANTOR:

Refuge Church of our Lord Jesus Christ of the Apostolic Faith, Inc., a Florida corporation, a/k/a Refugee Church of Our Lord

*Jay Carter*  
 By: Jay Carter  
 Its: Pastor/President/Trustee

*Madiese Anderson*  
 By: Madiese Anderson  
 Its: Secretary/Trustee

*Jessie Ingram*  
 By: Jessie Ingram  
 Its: Deacon/Trustee

State of Florida  
County of Manatee

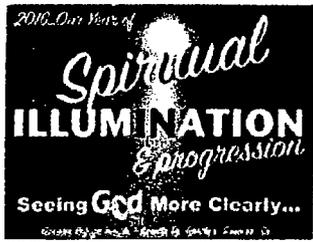
The foregoing instrument was acknowledged before me this 7th day of April, 2016 by Jay Carter, Madiese Anderson and Jessie Ingram, as Authorized Signatories and Trustees of the Refuge Church of our Lord Jesus Christ of the Apostolic Faith, Inc., a Florida corporation, a/k/a Refugee Church of Our Lord, who is/are personally known to me or who has/have produced a FL ID + FL Driver's License as identification.



*Jasmine Leathers*  
 Printed Name:  
 Notary Public  
 My Commission Expires: \_\_\_\_\_

"Exhibit A"

*Church of our Lord Jesus Christ  
of the Apostolic Faith, Inc.*



Presiding Bishop, Region X  
Apostle to Evangelism  
Apostle Dr. Gentle L. Groover Sr.

Headquarters Locations:  
1317 Rowe Avenue  
Jacksonville, Florida 32208

1258 Martin Luther King Jr. Blvd  
Lakeland, Florida 33805

www.refugejax.org  
refugejax@yahoo.com

904-768-4009 voice  
904-768-5155 fax

Mission Statement  
To evangelize the world for  
the Kingdom of God by  
teaching, baptizing, and  
discipling new converts  
and to engage in social problems  
that challenge the Christian  
faith.

March 23, 2016

To Whom It May Concern:

Please accept this letter as authorization for Elder Jay Carter, Pastor of the Refuge Church of our Lord Bradenton, to act on behalf of the Refuge Church of our Lord Jesus Christ of the Apostolic Faith, Inc. to sell church-owned property located at:

1110 8th Avenue East  
Bradenton, Florida 34206

and

1130 8th Avenue East  
Bradenton, Florida 34206

If you require additional information to complete this process, please do not hesitate to contact me.

Thank you,

*Gentle L. Groover*  
Apostle Dr. Gentle L. Groover, Sr.  
Pastor & Presiding Apostle

*Rufus Slater*  
Deacon Rufus Slater  
Trustee

*Kenneth Groover*  
Bishop Kenneth Groover  
Trustee

## BYLAWS

For regulations, except as otherwise provided by statute or its articles of incorporation of Greater Refuge Church of our Lord Jesus Christ of the Apostolic Faith.

### I. Church Membership

#### Section I. General

This church is a sovereign and democratic Apostolic Church under the Lordship of Jesus Christ, the Chief Shepherd, and the leadership of the Pastor, the under Shepherd. The membership retains unto itself the right to self-government in all phases of the spiritual and temporal life of this church.

#### Section II. Membership

This church shall have one class of members who shall be known as members of the congregation of the Greater Refuge Church of our Lord Jesus Christ of the Apostolic Faith.

#### Section III. Qualification for Membership

Eligibility for membership in this church shall be by baptism in water and the Holy Spirit in accordance with Acts 2:38 and 2:4. See also I Corinthians 12:12-27 and Galatians 3:26,28.

#### Section IV. New Member Orientation

New members of this church are expected to participate in a newcomer orientation class.

#### Section V. Rights of Members

- 1) Every member of the church in good standing is entitled to vote at all elections/meetings and on all questions submitted to the church in conference, provided the member is present, or provision has been made for the person in writing.
- 2) Every member of the church is eligible for consideration as candidates for elective offices in the church.
- 3) Every member may participate in the ordinances administered by the church.
- 4) Membership shall be terminated in the following ways: (a) death of the member, (b) dismissal to another Apostolic church, (c) exclusion by action of the church, (d) erasure upon request, or proof of membership in another church, or (e) non-attendance for more than 90 days except for long term illness.

#### Section VI. Discipline

It shall be the practice of this church to emphasize to its members that every reasonable measure will be taken to assist any member whose conduct is unbecoming that of a Christian. The attitude of members toward one another shall be guided by concern for redemption rather than punishment.

A member guilty of conduct which cannot be approved of in the course of the conduct of a Christian or some serious condition exists whereby that member becomes a liability to other members who the pastor shall from time to time call in for advice in such matters. In the spirit of Christian kindness and forbearance, every reasonable measure is to be taken to resolve the problem in accordance with Matthew 18.

Should all attempts at restoration fail, then the member may for conduct unbecoming be separated by the pastor from the church. Further, the previously separated member may be restored to membership upon their personal request and upon evidence of repentance and improvement in conduct or character.

## **II. Church Office, Officers and Committees**

All who serve as officers including those who serve on church auxiliaries, departments, boards and committees shall be tithes paying members in good standing. By "good standing" is meant that a member's life and conduct is in accord or compliance with apostolic doctrinal standards. Christian ethics and morality asset forth in the Scriptures; and that the said member supports the church, the pastor and church programs.

### **Section I. Principle Office**

The principle office for the transaction of business of this corporation shall be located in the City of Jacksonville, County of Duval, State of Florida.

### **Section II. Church Officers**

The officers of this church shall be the pastor, those appointed by the pastor and/or elected by the church body. Such officers shall include the deacons, the ministers, a secretary/clerk, a treasurer and the trustees.

1) The pastor is the chief officer/president, the spiritual and temporal head of this corporation. He is responsible for leading the congregation, the internal organizations and the church officers to perform the appropriate tasks. He shall preside at all meetings of the church membership or whomever he shall appoint.

The pastor is the leader of pastoral ministries in the church. As such he works with the church officers to: (a) lead the church in the achievement of its mission, (b) proclaim the gospel of Jesus Christ to believers and unbelievers, (c) to be apt to teach and give hospitality, and (d) care for the church and members and other persons in the community.

The pastor may relinquish the office as pastor by giving at least 30-day notice to the church at the time of resignation. The assistant pastor in conjunction with non-lay members (e.g. deacons, ministers, officers,) shall call a meeting of the general church with at least a week's prior notice to declare the office vacant and to appoint a search committee hereinafter mentioned. The meeting shall be called upon the recommendation of a majority of the aforementioned, or by written petition signed by not less than one half of the resident church members. In the interim or until a permanent pastor is installed, the assistant pastor shall assume the duties of the pastor as "interim pastor" with appropriate compensation.

Should the office of the pastor become vacant due to death, incapacitation or resignation, the church shall meet within 30 days of the vacancy to appoint a pastoral committee under the instruction of the Parent Body. The search committee shall be composed of five spiritually seasoned officers representative of the church membership with the inclusion of at least one lay member. The entire church shall be kept apprised of the search. Written notice of the search and committee members shall be sent to the State Bishop and the Regional Apostle requesting spiritual guidance. The pastoral search shall be conducted in accordance with the guidelines of the Church Discipline Book.

**Special Authority:**

i) For the expeditious functioning and business transactions affecting the organization, the Pastor and Board of Trustees shall have special authority:

(a) To buy and sell properties, to make and devise instruments for negotiation of loans, to purchase certificates of deposits, to obligate said certificates as security for loans requested by affiliated churches to pledge, trustee or otherwise create any lien upon property of this corporation as security for any loan, credit or accommodation from any lending institution. This action shall require the signature of pastor and two members of the Board of Trustees.

(b) To conduct other business as is consistent with the goals and objectives, and the certificate of incorporation of said corporation and the General Assembly.

ii) The number of trustees shall be three. The pastor shall be an ex-official member of the Board with full rights and privileges. He shall preside at all meetings of the Board. Any vacancy on the Board resulting from death, resignation, inactivity, or incapacity to act shall be filled by members of the Board of the unexpired portion of the term subject to approval by the church membership. A trustee shall be a member in good standing who attends this church, pays tithes regularly, and is knowledgeable of sound business practices, church policy and relationships.

iii) Regular meetings of the Board of Trustees shall be held. Special meetings of the Board may be called by or at the request of the pastor by a telephone call or written notice sent to each trustee. If possible, such notice shall be given at least twenty-four hours prior to the time set for the meeting. A majority of trustees shall constitute a quorum for the transaction of business at any meeting of the Board. The act of the majority of the trustees present at a meeting of the Board shall constitute the act of the Board, unless the act of a greater number is required by law or by these bylaws.

iv) Trustees shall not receive any compensation for their services on the Board.

**Section III. Church Committees**

The standing committees of the church shall be the hospitality/benevolence/floral committee, finance committee, evangelism/outreach committee, baptism committee, buildings and grounds committee, growth fund committee and such other regular special committees as may be appointed from time to time by the pastor. Committees are to be staffed appropriately. Officers of the church committees shall be appointed annually. If reappointed, a person may serve a maximum of three consecutive years. After serving three consecutive years, a person must leave office for a term. Then that person may return to office if so appointed.

The hospitality/benevolence/floral committee shall show kindness (I Peter 4:9) and function to welcome and make comfortable visitors at Sunday Morning Worship; write follow-up letters to visitors; send get-well cards to the sick; and distribute food baskets to the needy. They are responsible for the care and placement of flowers or plants that grace the altar and other designated areas of the church.

The finance committee shall be appointed by the pastor. It shall develop and recommend with the treasurer an overall stewardship development plan and annual budget. It advises and recommends in the administration of the gifts of members and others, using sound principles of financial management. It works with the treasurer in the preparation and presentation to the church of required reports regarding the financial affairs of the church and a statement of individual member's annual financial contributions for tax filing within 30 days of the calendar year.

RESOLUTION NO. 81-16

A RESOLUTION VACATING THE FOLLOWING DESCRIBED ALLEYWAY: THE EAST 1/2 OF THAT ALLEY LYING BETWEEN LOTS 5 AND 10 AND LOTS 2, 3 AND 4, BLOCK "C", OF GRAHAM SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 187, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, ALONZA L. and JILL H. PULLEN

did file with the City Council of the City of Bradenton, Florida, on or about the 23rd day of January, 1981, a Petition to Vacate Alleyway; and

WHEREAS, a Notice of Publication to Vacate Alleyway was published in the Bradenton Herald, a newspaper of general circulation in said City, setting forth the general nature of the public hearing on February 18, 1981, at 3:30 P.M., and in connection with the said vacating and abandoning of the alleyway herein referred to and said public hearing having been held at the advertised time and place; and

WHEREAS, all interested persons having been heard by the Council aforesaid in open session at such public hearing, and it appearing to said Council that the renouncing and disclaiming of any right of the said City and of the public in and to this particular alleyway, as is more particularly described below, will not affect the ownership or right of convenient access of persons to or from their lands; and all members of the Council having been fully advised in the premises,

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, upon the said application and of its own motion, that the alleyway lying in the said City of Bradenton, which is more particularly described as being:

The East 1/2 of that alley lying between Lots 5 and 10 and Lots 2, 3 and 4, Block "C", of GRAHAM SUBDIVISION, as per Plat thereof recorded in Plat Book 1, Page 187, of the Public Records of Manatee County, Florida,

be and the same is hereby closed, abandoned and vacated, and every right of the said City of Badenton and of the public in general is hereby renounced and disclaimed in and to the alleyway hereinabove described.

Notice hereof shall be published and recorded as required by law.

PASSED AND DULY ADOPTED this 11th day of March

1981.

ATTEST:

City Clerk

Mayor

APPROVED AS FORM:

MANATEE CO FLA.  
CLERK  
MAR 11 5 02 PM '81

FILED AND RECORDED

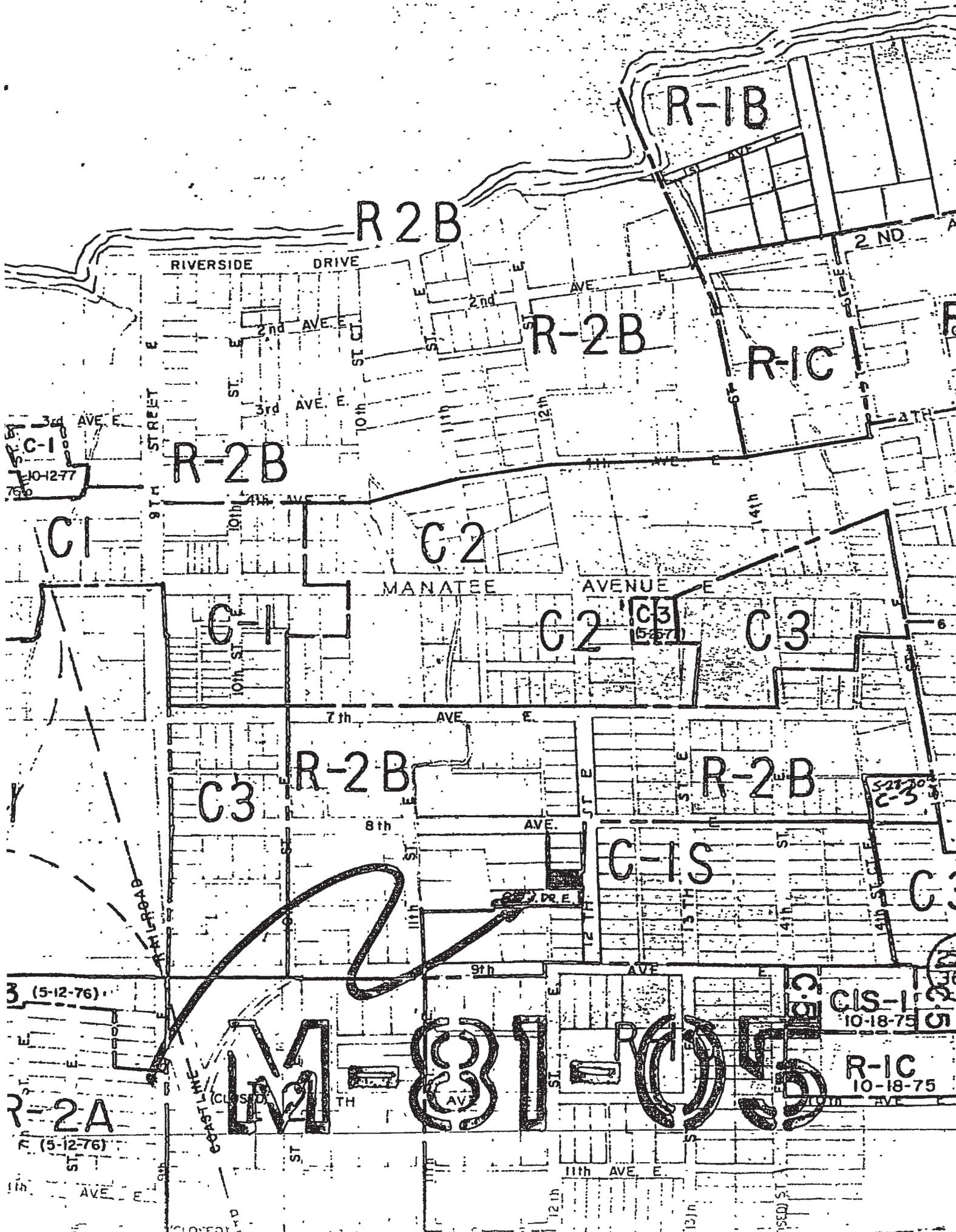
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3/11/E

# TEE RIVER RESOLUTION

81-16



AMERICAN BUILDERS & CONTRACTORS  
SUPPLY

P O BOX 838

BELOIT, WI 53512

BRADENTON GOSPEL TABERNACLE INC

1218 7TH AVE E

BRADENTON, FL 34208

J H WILLIAMS OIL COMPANY INC

P O BOX 439

TAMPA, FL 33601

PINADA,LEONARDO

1122 7TH AVE E

BRADENTON, FL 34208

RENDON,MAURICIO

711 12TH ST E

BRADENTON, FL 34208

TRUEWELL,CYNTHIA

815 14TH ST E

PALMETTO, FL 34221

WALKER,BOBBY

2819 8TH STREET CT W

BRADENTON, FL 34205

AMERICAN BUILDERS & CONTRACTORS  
SUPPLY

P O BOX 838

BELOIT, WI 53512

CALANDRA,GAIL M

420 OLD MAIN ST

BRADENTON, FL 34205

LANDMARK SERVICES OF SOUTH WEST  
FLORIDA

1950 NORTHGATE BLVD UNIT 3-D

SARASOTA, FL 34234

POWELL,JO ANN

714 12TH ST E

BRADENTON, FL 34208

SMITH,ANTHONY ALLEN

1124 7TH AVE E

BRADENTON, FL 34208

TRUEWELL,CYNTHIA

815 4TH ST E

PALMETTO, FL 34221

WILLIAMS,BETTY JEAN

1029 8TH AVE E

BRADENTON, FL 34208

BRADENTON CITY OF

500 15TH ST W

BRADENTON, FL 34205

GRIGGS,RONNIE

819 11TH ST E

BRADENTON, FL 34208

MICKLER,DARRYL K

706 12TH ST E

BRADENTON, FL 34208

REFUGEE CHURCH OF OUR LORD

1101 8TH AVE E

BRADENTON, FL 34208

TROPICANA MANUFACTURING  
COMPANY INC

PO BOX 660634

DALLAS, TX 75266

TRUTH BIBLE CHURCH OF GOD INC

3507 5TH AVE W

PALMETTO, FL 34221